

# **THE TAMIL NADU POLICE BILL 2008,**

## Arrangement of Clauses

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A BILL TO CONSOLIDATE AND AMEND THE LAWS RELATING TO THE ESTABLISHMENT AND REGULATION OF POLICE SERVICE IN THE STATE OF TAMIL NADU AND AND FOR MATTERS CONCERNED THEREWITH AND INCIDENTAL THERETO

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

AND WHEREAS it is the Constitutional obligation of the State to provide impartial and efficient Police Service safeguarding the interests of society and responding to the democratic aspirations of citizens;

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

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

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

NOW, THEREFORE, it is considered necessary to consolidate the laws relating to the establishment and regulation of police service;

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the fifty-ninth Year of the Republic of India as follows:-

CHAPTER I

PREMILINARY

- |    |   |  |
|----|---|--|
| 1. | (1) This Act may be called the Tamil Nadu Police Act, 2008.   | Short title,<br>Extent and<br>commence<br>ment |
|    | (2) It extends to the whole of the State of Tamil Nadu.   |  |
|    | (3) It shall come into force on such date as the State Government may, by notification, appoint.  |  |
| 2. | (1) In this Act, unless the context otherwise requires:-  | Definitions                                    |
|    | (a) "Board" means the Tamil Nadu Police Board established under section 27;   |  |
|    | (b) "Cattle" includes cows, buffalos, elephants, camels, horses, mules, sheep, goats and swine;   |  |
|    | (c) "City" means an area comprised in a Municipal Corporation in the State constituted under any law for the time being in force.   |  |
|    | (d) "Commissioner" means the Commissioner of Police referred to in section 37.  |  |
|    | (e) "Establishment committee" means the Police Establishment Committee constituted under section 31   |  |
|    | (f) "Government" means the State Government;  |  |
|    | (g) "Internal Security" means preservation of sovereignty and integrity of the State from disruptive and anti-national forces from within the State;  |  |
|    | (h) "militant activity" includes any violent activity of a group using explosives, inflammable substances, firearms or other lethal weapons of hazardous substances in order to achieve its political objectives; |  |

(i) "place of public amusement and public entertainment" include such places as may be notified by the government;

(j) "Police District" means the area notified under clause (c) of section 9 and section 40 as distinct from a revenue district;

(k) "Police Officer" means any member of the Tamil Nadu State Police Service established under this Act;

(l) "Police Service" means the Tamil Nadu State Police Service establishment under this Act;

(m) "public place" means any place to which the public have access and includes:-

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

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

(n) "Station House Office" means an officer in charge of a police station as defined in clause (o) of section 2 of the Code of Criminal Procedure, 1973.

Central Act 2  
of 1974

(o) "terrorist activity" includes any activity of a person or a group using explosives or inflammable substances or firearms or other lethal weapons or noxious gases or other chemicals or any other substance of a hazardous nature with the aim to strike terror in the society or any section thereof, and with an intent to overawe the Government established by law.

(2) Words and expressions used in this Act, but not defined specifically shall have the same meaning as provided in the Tamil Nadu General Clauses Act, 1891, the Code of Criminal Procedure, 1973 and the Indian Penal Code.

Tamil Nadu  
Act 1 of  
1891. Central  
Act 2 of  
1974. Central  
Act XLV of  
1860

## CHAPTER II

### ESTABLISHMENT AND ORGANIZATION OF THE POLICE SERVICE.

31 (1) There shall be established a Police Service in the State of Tamil Nadu called the Tamil Nadu State Police Service.

(2) The police establishments of this State already deemed to be a Police force under section 2 of the Police Act, 1861, and under section 8 of the Tamil Nadu District Police Act 1859 and the police force constituted under section 9 of the Chennai City Police Act, 1888, the Police force deemed to be the Police force constituted for the cities of Madurai and Coimbatore under section 5 of the Chennai City Police (Extension to the City of Madurai and to the City of Coimbatore) Act, 1987 and for the cities of Salem, Tiruchirapalli and Tirunelveli, under section 5 of the Chennai City Police (Extension to the cities of Salem, Tiruchirapalli and Tirunelveli) Act, 1997, shall be deemed to be the Police Service established under this Act.

Central Act V  
Of 1861-  
Central Act  
XXIV of  
1859.

Tamil Nadu  
Act III of  
1888.

Tamil Nadu  
Act 32 of  
1987.

Tamil Nadu  
Act 51 of  
1997.

Establishment  
of Police  
service

Composition of  
Police  
Service

31 Subject to the provisions of this Act,-

(a) the police service shall consist of such number of organizations and each such organization shall consist of such classes and categories, as may be prescribed;

(b) the appointment to such classes and categories shall be made in accordance with such rules as may be prescribed;

(c) the pay, allowances and other service conditions of members of the police service shall be such as may be prescribed; and

(d) the members of service 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,

31 The superintendence and control of the police service shall vest in, and shall be exercised by, the Government to promote the professional efficiency of the members of police service. Superintendence and control of Police Service

31 (1) The administration of the police service shall vest in an Officer to be called 'Director General of Police' , who shall be appointed by the Government and shall exercise such powers, perform such functions and duties and have such responsibilities and authority, as may be prescribed. Administration of Police Service

(2) The Director General of Police shall be the highest rank officer in the hierarchy of the police service and no other Officer senior to the incumbent Director General of Police shall be posted to any position within the service.

(3) The Government may appoint one or more Additional Director General, and as many Inspectors General, Deputy and Assistant Inspectors General of Police as it deem necessary to assist the Director General of Police in the exercise and discharge of his functions, powers, duties and responsibilities.

31 (1) The Government shall appoint the Director General of Police from amongst the panel of three senior-most Officers in the Police Service, having regard to the following matters:- Selection and appointment of Director General of Police

- (a) length of service and fitness of health standards as may be prescribed;
- (b) assessment of the performance appraisal reports of the previous ten years of service by assigning weightages to different grading;
- (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) giving due weightage to award of medals for gallantry, distinguished and meritorious service.

(2) Subject to the service conditions of members of Police service, the Director General of Police appointed under sub-section (1) shall hold the post for a minimum period of two years, or till the date of his superannuation whichever is earlier.

(3) The provisions in sub-section (2) shall not apply in cases where the person appointed under sub-section (1) is –

- (i) convicted by a court of law for any offence;
- (ii) involved in a criminal case wherein charges have been framed by a court;
- (iii) awarded punishment of dismissal, removal or compulsory retirement from service or of reduction to a lower post awarded under the provisions of All India Service (Discipline and Appeal) Rules or any other relevant rule;

- (iv) placed under suspension;
- (v) incapacitated by physical or mental illness or otherwise becoming unable to discharge his functions;
- (vi) promoted to a higher post under either the State or Central government, with his consent for such posting;
- (vii) transferred for specific reasons to be recorded in writing; or
- (viii) relieved on other administrative grounds to be recorded in writing.

Administration of Police in Municipal Corporations and Urban and other notified areas.

- 31 The administration of police in municipal corporations and other urban areas with a population of ten lakhs or more and in such other areas as may be notified under section 36 for the purpose by the government, from time to time, shall be in accordance with the provisions of Chapter VI of this Act.

Creation of Police Zones, Ranges and Districts

- 31 (1) The government may, in consultation with the Director General of Police, by notification:-

- (a) divide the entire geographical area of the State excepting the areas covered under section 36 into two or more Police Zones, and each Zone shall be headed by an officer of the rank of Inspector General of Police who shall supervise the administration of the Zone and report through the Additional Director General of Police to the Director General of Police.
- (b) Divide each Zone into as many Police Ranges as deemed necessary and each Range, shall be headed by an officer of the rank of Deputy Inspector General of Police who shall supervise the administration of the Range and report directly to the Inspector General of Police in charge of the Zone within which the Range falls.
- (c) Divide each Range into as many Police Districts as deemed necessary and each District, shall be headed by an officer of the rank of Superintendent of Police who shall supervise the administration of the district and report directly to the Deputy Inspector General of Police in charge of the Range within which the District falls.

(2) The Superintendent of Police shall be assisted by one or more Additional, Assistant or Deputy Superintendent of Police, as deemed necessary by the government.

Creation of Sub-Divisions and Circles

- 31 The Government may, in consultation with the Director General of Police, by notification,-

- (a) divide each Police District into as many Sub-Divisions as deemed necessary in accordance with clause(v) of section 2 of the Code of Criminal Procedure, 1973 and each Sub-Division shall be headed by an officer of the rank of Assistant or Deputy Superintendent of Police, as the case may be, who shall directly report to the Superintendent of Police in charge of the Police District within which the Sub-Division falls.
- (b) Divide each Sub-Division into as many Circles as deemed necessary and each Circle shall be headed by an officer of the rank of Inspector of Police who shall directly report to the or Assistant or Deputy Superintendent of Police in charge of the Sub-division within which the circle falls.

Central Act 2 of  
1974.

- 31 (1) The Government may, in consultation with the Director General of Police, by notification, create, as many Police Stations with an many ortposts in a Circle as may be necessary, duly keeping in view the population, the area, the crime situation, the work, load in terms of law and order and the distances to be traversed by the inhabitants to reach the Police Station in accordance with the provisions contained in clause (s) of section 2 of the Code of Criminal Procedure, 1973.
- (2) Two or more Police Stations may be under the control and supervision of a Circle.
- (3) A Police Stations shall be headed wither by an Officer in the rank of Inspector or Sub-Inspector of police, as may be considered necessary.

Police Stations

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

Information to be  
displayed in a  
Police Station.

- 31 (1) Subject to the service conditions of member of service, a member of service posted in a Police Statoin, Circle, Sub-Division, Police District, Range, Zone or Commissionarate, as the case may be, shall hold office for a minimum period of two years, or till the date of his superannuation, whichever is earlier.

Term of office of  
holder of certain  
posts.

(2) The provisions is sub-section (1) shall not apply in cases where any officer referred to in sub-section(1) is –

(i) convicted by a court of law for any offence;

(ii) involved in a criminal case wherein charges have been framed by a court;

(iii) awarded punishment of dismissal, removal or compulsory retirement from service or of reduction to a lower rank under the relevant rules;

(iv) placed under suspension;

(v)incapacitated by physical or mental illness or otherwise becoming unable to discharge his functions;

(vi) promoted to a higher post;

(vii) to be relieved to fill up a vacancy caused by promotion, transfer or retirement of other officer;

(viii) transferred for specific reasons to be recorded in writing; or

(ix)relieved on other administrative gournds to be recorded in writing.

- 31 (1) For the purpose of efficiency in the general administration of the district, it shall be lawful for the District Magistrate, in addition to the functions to be performed under the provisions of the Code of Criminal Procedure, 1973 and under other relevant Acts, to co-ordinate with the functioning o the police with other agencies of district administration in respect of matters relating to the following;-

Co-ordination  
within the  
District  
Administration.

Central Act 2 of  
1974.

(a) promotion of land reforms and the settlement of land dispute;

(b) extensive disturbance of public peace and tranquility in the district;

(c) conduct of elections to any public body;

(d) handling of natural calamities and rehabilitation of the persons affected thereby;



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

(2) For the purpose of co-ordination, the District Magistrate may call for information of a general or special nature, as and when required, from the Superintendent of police or the Commissioner of Police, as the case may be, and heads of other departments of the district. Whereas the situation so demands, the District Magistrate shall pass appropriate orders and issue directions in writing, to achieve the objective of co-ordination.

(3) For the purpose of co-ordination, the District Magistrate shall ensure that all departments of the district, whose assistance are required for the efficient functioning of the police, will render full assistance to the Superintendent of Police or the Commissioner of Police, as the case may be.

Railway Police.

- 31 (1) The government may, by notification, create one or more Special Police Districts covering such railway areas in the State as it may specify, and appoint a Superintendent of Police, one or more Assistant or Deputy Superintendent of Police and such other police officers for each such Special Police District as it may deem fit.
- (2) Subject to the control of the Director General of Police, the police officers referred to in sub-section (1) shall discharge functions connected with the administration of railway areas situated within their respective jurisdiction and such other functions as the Government may, by order, from time to time, assign to them.
- (3) The Government may, by general or special order, empower any police officer, subject to such conditions, to exercise within the Special Police District or any part thereof, any of the powers of an officer-in-charge of the Police Station in that district. While exercising such powers he shall, subject to such conditions as aforesaid, be deemed to be an officer-in-charge of the Police Station.
- (4) The Superintendent of police in charge of the special police district may, with the previous sanction of the Government, delegate any of the powers and functions conferred on him by or under this Act, to an Additional, Assistant or Deputy Superintendent of Police.

State Intelligence  
Law and Order  
and Criminal  
Investigation  
Departments.

- 31 (1) There shall be created separate departments within the police service called the State Intelligence Department for collection, analysis and dissemination of intelligence, and a Criminal Investigation Department for investigating crimes.
- (2) The Government shall appoint a police officer not below the rank of Inspector General of Police to head each of the departments referred to in sub-section (1).
- (3) The Criminal Investigation Department shall have specialized wings to deal with different types of crimes requiring focused attention or special expertise of investigation. Each of these wings shall be headed by an officer not below the rank of Superintendent of Police.
- (4) The State Intelligence Department shall have specialized wings, to deal with and co-operate specialized tasks such as measures to counter terrorism, militancy and for security of the very important persons. Each of these wings shall be headed by an officer not below the rank of Superintendent of Police.

(5) The Government may, having regard to the population in an area or the circumstances prevailing in such area, by order, separate the investigating police from law and order police in such area as may specified in the order to ensure speedier investigation, better expertise and improved rapport with the people.

(6) The Director General of Police shall ensure the full coordination between the two wings of the Police force separated under sub-section(5).

31 (1) The Government shall establish a Police Training Academy at the State Level and as many Police Training colleges and Police Training Schools as deemed necessary for ensuring efficient post-induction training of all directly-recruited members of police service in various categories, pre-promotion training for all those to be promoted to higher levels and such thematic and specialized in-service training courses for the members of police service of different categories as deemed necessary, from time to time.

Appointment of Director of State Police Academy and Principals of Police Training Colleges and Police Training Schools.

(2) The Government may appoint an officer not below the rank of Inspector General of Police to be the Director of the Police Training Academy, and an officer not below the rank of Deputy Inspector General of Police to be the Principal of each Police Training college and an officer not below the rank of Superintendent of Police to be the Principal of each Police Training School.

(3) The Composition of faculty for the Police Training Academy, Police Training Colleges and Police Training Schools shall be such as may be prescribed.

31 Every member of the Police Service shall, on appointment and completion of training, make and subscribe before the Superintendent of Police or Commissioner of Police, as the case may be, or any other officer appointed in that behalf by the Government, an oath or affirmation, as may be prescribed.

Oath or affirmation

31 Every Police Officer of, or below, the rank of Inspector shall on appointment receive an insignia and a certificate in the form as may be prescribed. The certificate shall be issued under the hand and seal of such officer may be prescribed.

Certificate of appointment

### CHAPTER III

#### CITY AND DISTRICT ARMED RESERVE POLICE AND TAMIL NADU SPECIAL POLICE BATTALION

31 In dealing with group protests and violent disturbances involving breaches of peace or law and order, and in disaster management functions, as well as to discharge such duties as require the presence of armed police, the Government may create armed police units for each City or for each Police District by name the City Armed Reserve Police or the District Armed Reserve Police, as the case may be and such number of special police battalions for such area as the Government may determine by name the Tamil Nadu Special Police Battalion of such area (hereinafter referred to as Battalion) including the units consisting of Women Police.

City and District Armed Reserve Police and Tamil Nadu Special Police Battalion.

31 The Battalion shall be deployed under the specific orders of the Director General of Police, to aid and assist the Police in dealing with virulent and widespread problems of public disorder or other forms of violence, which needs the deployment of Battalion.

Deployment of Battalion.

- 31 (1) The City or District Armed Police shall function under the control, direction and supervision of Commissioner of Police or the Superintendent of Police of the district concerned, as the case may be, and it may be deployed to deal with an emergent law and order problem or any violent situation in the city or district, and for providing securityguards or escort of violent prisoners, or for such other duties, as may be prescribed.
- Organizational structure of City and District Armed Reserved Police.
- (2) Each City or District Armed Reserve Police shall be sub-divided into such number of platoons, and each such Platoon shall be further sub-divided into sections.
- (3) The administration, the maintenance of equipments and stores, and training of members of Platoons and Sections shall be such as may be prescribed.
- 31 (1) The Battalion shall function under the control, direction and supervision of an Officer in the rank of Inspector General of Police and above.
- Organizational structure of Battalion.
- (2) Each Battalion may be divided inot as many number of Service Companies and Headquarters companies as may be notified.
- (3) The administration and training of members of service companies and head quarters companies shall be such as may be prescribed.
- 31 The duties of the members of the police service in the City or District Armed Reserve Police and in the Battalion shall be such as may be prescribed.
- Duties of City or District Armed Reserved Police and Battalion.
- 31 All the City or District Armed Reserve Police, and the Battalion, in the State, shall be under the overall guidance and supervision of the Director General of Police.
- Overall supervision by Director General of Police.
- 31 The adequacy of arms, equipment and accoutrement for the Battalion and the City or District Armed Reserve Police shall be assessed regulary on an annual basis by the officer heading the City or District Armed Reserve Police and the Battalion in terms of the type, quality and quanties and quantities of each such item needed for each unit, in consultation with the police Officers concerned.
- Adequacy of arms, etc.

#### CHAPTER IV ADMINISTRATION OF POLICE SERVICE

- 31 (1) The Government shall, within six months from the date of coming into force of this Act, establish a Board to be known as Tamil Nadir Police Board.
- Tamil Nadu Police Board
- (2)TheBoard shall consist of the following members:-
- (a) the Minister in-charge of port folio of Police, who shall be the chairman, ex-officio;
- (b) the Leader of the Opposition in the Tamil Nadir Legislative Assembly;
- (c) Chairperson, Tamil Nadu Public Service Commission, ex-officio;
- (d) Chairperson, Tamil Nadu State Human Rights Commission, ex-officio;
- (e) Chairperson, State Women's Commission, ex-officio;
- (f) Chairperson, State Minorities Commission, ex-officio;
- (g) the Chief Secretary, ex-officio;
- (h) the Secretary in-charge of the Home Department, ex-officio; and
- (i) theDirector General of police who shall be the Member-Secretary, ex-officio.

(3) No act or proceeding of the Board shall be called in question on the ground merely on the existence of any vacancy in, or any defect in the constitution of such Board.

31 The Board shall perform the following functions, namely:-

Functions of the Board.

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

(b) to identify performance indicators to evaluate the functioning of the Police Service, which shall include operational efficiency, public satisfaction, victim satisfaction in respect of police investigation and response, accountability optimum utilization of resources and observance of human rights standards; and

(c) such other functions that may be entrusted by the Government.

31 (1) The Board shall, at the end of every year, present to the Government the annual report on its work during the preceding year and on the evaluation of performance of the police service which shall include recommendation for improvement.

Annual Report

(2) The Government shall lay the annual report referred to in sub-section (1) on the table of the Legislative Assembly in the budget session. The annual report shall be made accessible to the public.

30. As the head of the Tamil Nadir State Police Service, it shall be the responsibility of the Director General of Police to,-

Powers and responsibilities of the Director General of Police.

(a) operationalise the policies, the strategic plan and the annual plan prepared by the Government; and

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

31 (1) The Government shall constitute a Police Establishment committee (hereinafter referred to as the 'Establishment Committee') with the Senior most Additional Director General of Police as its Chairperson and such number of officers as may be specified by the Government in this behalf as its members.

Police Establishment Committee.

(2) The Establishment Committee, shall,

(a) examine complaints from police officers and make recommendations to the Director General of Police for necessary action: Provided that if the matter under report involves any authority of, or above the ranks of, the members of the Establishment Committee, it shall forward such report to the Government for further action;

(b) recommend names of suitable officers to the Government for posting to all the positions in the ranks of Additional Superintendent of Police, and above in the police administration of the State excluding the Additional Director General of Police and Director General of Police. The Government shall ordinarily accept these recommendations, and if it disagrees with any such recommendations, it shall record reasons for such disagreement; and

(c) also consider and recommend to the Director General of Police, the names of officers of the ranks of Sub-Inspector, Inspector and Deputy Superintendent of police for transfer from one zone to another, where such transfer is considered expedient.

CHAPTER V

FUNCTIONS, DUTIES AND RESPONSIBILITIES OF THE POLICE.

32. The 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, railway, bridges, vital installations and establishments, etc. against act of vandalism, violence or any kind of attack;

(e) to prevent crimes, and to reduce the commission of crimes through preventive action and measures and by aiding and co-operating with other relevant agencies in implementing the measures for prevention of crimes;

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

(g) to register and investigate all cognizable offences coming to their notice through such complaints or otherwise, duly supplying a copy of the First Information Report to the complainant;

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

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

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

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

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

(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 such procedure as may be prescribed.

33. Every Police officer shall:-

(a) behave with the members of the public with the 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 water 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 be 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.

34.(1) The Government may by notification, declare any service to the community, to be an essential service for a specified period, which may be extended, from time to time, by a notification.

Duties in emergency situations.

(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.

35. A Senior Police Officer may perform any duty assigned, by lawful order, to any officer subordinate to him, and may aid, supplement, supersede or prevent any action of the subordinate by his own action or that of any other person lawfully acting under his command or authority, whenever the same shall appear necessary or expedient for enforcing the law or for avoiding any infringement thereof.

Senior Police Officer performing duties of a subordinate officer.

## CHAPTER VI

### POLICING IN MUNICIPAL CORPORATIONS, URBAN AND OTHER NOTIFIED AREAS

36. The Government shall established for the areas, in each of the Municipal Corporation in the State constituted under any law for the time being in force, and for other urban areas with a population of not less than 10 lakhs, and such other areas as may be notified for the purpose, from time to time, a police service in accordance with the provisions of this Chapter.

Constitution of police service in certain urban areas.

37. The administration of police service in each of the areas referred to in section 36 shall be vested with Officer to be called the Commissioner of Police, who shall be an Officer of the rank of Deputy Inspector General of Police or above.

Administration of Police service in certain urban areas.

38. The Government may appoint one or more Additional, Joint, Deputy and Assistant Commissioner in the discharge of his duties.

Powers, functions and duties of Commissioner and other Officers.

39. The Commissioner and other officers under him shall exercise such powers, perform such functions and duties and shall have such responsibilities and authority, as may be 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.

Constitution of Police Districts, sub-divisions and Police Stations.

40. The Government, in consultation with the Director General of Police, may by notifications:-

- (a) constitute two or more Police Districts within the area covered under section 36;
- (b) divide such police districts into two or more sub-divisions;
- (c) create as many police stations and as many out posts as necessary in a police station; and
- (d) define the limits and extents of such police districts, sub-divisions and police stations.

Administration of police districts, sub-divisions and police stations.

41. (1) The administration of the police service through out a police district shall vest with the Deputy Commissioner of Police, who may be assisted in the discharge of his duties by one or more Additional Deputy Commissioner of Police.

(2) The administration of police service Through out a Police sub-divisions shall vest with an Assistant Commissioner of Police.

(3) Each Police Station shall be under the charge of an Inspector of Police or sub-Inspector of Police as may be considered necessary.

## CHAPTER VII

### REGULATION OF PUBLIC ASSEMBLIES, PROCESSION, TRAFFIC, ETC.

Preservation of order and regulation of traffic.

42. Subject to any orders by the Government, the Commissioner may, from time to time, make rules not inconsistent with this Act in respect of the following:-

(a) for regulating the use of public road, 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) for licensing or regulating or if necessary in public interest prohibiting 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) for 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) for regulating the entry or exit at any place of public entertainment, or at any public meeting or assembly, and providing for the maintenance of public peace and prevention of disturbance at such places.

43. (1) Any person intending to organize a procession of religious, social, political or other nature, on any road, street, or thoroughfare, or to convene an assembly in any public place, in an area covered under section 36, shall apply for permission in writing to the officer in-charge of the Police Station concerned, at least seven days prior to the date of such event. Orders shall be passed within forty-eight hours, on receipt of the application, as far as possible either granting or refusing to grant subject to such conditions and restrictions as may be specified in the said order.

Regulation of public assemblies and processions.

(2) The commissioner or any other officer not below the rank of inspector, authorized by the Commissioner may, from time to time, on occasion may require give 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 shall or shall 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.

44. The Commissioner 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 organization, prohibiting the following:-

Preservation of peace and safety.

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

(b) collection or carrying of stones or missiles, or any objects of 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 which is likely to create religious tension or hatred between different communities, groups or individuals, or which instigates disobedience of lawful authority.

45. The Commissioner or any other officer not below the rank of Assistant Commissioner of Police may be order direct any person to abstain from doing 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.

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

46. The Commissioner shall, by virtue of his office, be an executive Magistrate, for the purposes of the Code of Criminal Procedure, 1973 and shall exercise the powers as an executive Magistrate, subject to such orders as the State Government may, from time to time issue.

Commissioner's power for keeping peace and order.



Removal of persons about to commit offences.

47. (1) whenever it appears to the Commissioner:-

(a) that the movements or act of any person are causing or are likely to cause alarm, danger or harm to person or property, in the area covered under section 36;

(b) that there are reasonable grounds for believing that such person is engaged or is about to be engaged in the commission of an offence involving force or violence or an offence punishable under Chapters XII, XVI, XVII and XXII of the Indian Penal Code and under sections 290, 489-E of the Indian Penal Code; and

Central Act  
XLV of 1860.

(c) that such person –

(i) is so dangerous and hazardous as to render his being at large in the area covered under section 36, to the community; or

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

(iii) 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

(iv) has been habitually outraging the modesty of, or molesting, women and children and witnesses are not willing to come forward to give evidence in public against such person by reason of apprehension on their part as regards the safety of their person or their family members or their property, the Commissioner may, by order in writing duly served on such person, direct such person to so conduct himself as shall seem necessary in order to prevent violence and alarm or to move himself outside the area covered under section 36 by such route and for such time not exceeding two years as may be specified in the order.

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

(2) No order under sub-section (1) shall be passed without giving a reasonable opportunity of being heard.

(3) A person aggrieved by an order under sub-section (1) may appeal to the Government within thirty days from the date of receipt of such order.

(4) The Government may, after considering all the circumstances of the case, confirm, vary or rescind the order. The Government may at their discretion, subject to such conditions, if any, as it may think fit to stay the operation of the order, pending the passing of final orders on the appeal.

(5) The Government may on the representation of the person aggrieved, by order for the reasons to be recorded in writing; permit any person in respect of whom an order has been passed under this section to enter or return to the area covered under section 36 for a temporary period as may be specified in the order.

(6) Any person who is guilty of the breach of any direction given to him under sub-section (1) or sub-section (4) shall be punishable with imprisonment for a term not exceeding six months and fine.

(7) If any person directed under sub-section (1) or sub-section (4) to remove himself outside the area covered under section 36 fails or refuses to do so or re-enters such area while such direction is in force, the Commissioner may, in lieu of, or in addition to, prosecuting such person under sub-section (6), cause him to be arrested and removed in police custody to such place outside the said area as he may direct.

(8) Nothing in this section shall be deemed to require any police officer to disclose to the person against whom an order is made under sub-section (1) or to any court the sources of information or any fact the communication of which might, in the opinion of the Commissioner, lead to the disclosure of the identity or name of any informant.

48. (1) The Commissioner may, by public notice, temporarily reserve for any public purpose any street or other public place, and may by order in writing prohibit the public from entering the area so reserved, except on such conditions as may be specified.

Power to reserve public places and erect barriers.

(2) (a) The Commissioner may by order authorize any member of the police service to erect barriers and other necessary temporary structures on public roads and streets, to check vehicles or occupants therein for violation of any legal provisions, by them.

(b) In making such order, the Commissioner shall prescribe the safety measures that are to be provided thereat for the safety of passers by.

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

## CHAPTER VIII

### POLICE OFFICERS ALWAYS ON DUTY

49. (1) The hours of duty of a member of the police service shall be eight hours a day: Provided that in exceptional situations, the hours of duty of a member of the police service may extend upto 12 hours or beyond and in such cases, they shall be provided with adequate compensation and facilities, as may be prescribed.

Police Officers always on duty

(2) Every member of the police service shall, for all purposes of this Act, be always on duty and the member of service may at any time be deployed in any part of the state.

(3) The Government shall grant one day off in a week to all members of the police service and if under extraordinary situations the same cannot be granted to any of them, the Government may make provision for compensatory benefits in lieu of such weekly off.

(4) The Government may compensate the members of the police service in lieu of the work done on National Holidays, as may be prescribed.

## CHAPTER IX

### OFFENCES AND PENALTIES

50. Any person disobeying the orders or directions issued or violating the conditions, if any, under sections 44,45,46,47 and 48 shall be liable, on conviction to a fine which shall not be less than five thousand rupees but which may extend to ten thousand rupees.

Penalty for disobeying orders or directions.

Penalty for obstructing the discharge of duties.

51. Any person, who obstructs the discharge of duties and functions of any member of the Police service shall, on conviction, be liable to simple imprisonment not exceeding three months or with fine which may extend to five hundred rupees or with both.

Penalty for wearing dress having appearance of uniform.

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

53. Whoever, having ceased to be a police officer, does not forthwith deliver up his certificate of appointment, clothing, accoutrements and other things supplied to him for the execution of his duty shall, on conviction be liable to a fine which shall not be less than ten thousand rupees.

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

54. 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.

Penalty for making false statement.

Offences by the public.

55. (1) Any person who:-

(a) allows any cattle to stray, or keeps 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 in any road or street or thoroughfare;

(b) is being found intoxicated or riotous in any road or street or thoroughfare;

(c) neglects 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) defaces or affixes notice or writes graffiti on walls, building or other structures without prior permission of the owner or custodian of the property;

(e) willfully enters or remains without sufficient cause in or upon land belonging to the Government of any building attached thereto, or on any vehicle belonging to Government.

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

(g) willfully damages or sabotages any public alarm system;

(h) knowingly and willfully causes damage to an essential service in order to cause general panic among the public;

(i) acts in contravention of a notice publicly displayed in any Government building or any other Government property, shall, on conviction, be liable to a fine not exceeding rupees two thousand.

(2) Whoever commits any offence under sub-section (1) shall, on subsequent conviction, be liable to the fine not exceeding rupees four thousand.

56. Whoever contravenes any provision of this Act, or any rule, regulation, notification made thereunder shall, if no penalty is provided for the offence, be punishable for the first offence with fine not exceeding rupees one thousand and for any second or subsequent offence with fine not exceeding rupees two thousand.

General provision for punishment of offences.

57. Nothing contained in this Act shall be construed to prevent any person from being prosecuted for any offence made punishable on conviction by this Act, or to prevent any person from being liable under any other law or regulation, to any other higher penalty or punishment than is provided for such offence by this Act;

Liability to prosecution for higher penalties.

Provided that no person shall be punished twice for the same offence.

58. (1) The Court taking cognizance of an offence punishable under this Chapter may state, upon the summons to be served on the accused person, that he may, by a specified date prior to the hearing of the charge, plead guilty to the charge by registered letter, and remit to the court such sum as the court may specify.

Summary disposal of certain cases.

(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.

Central Act XLV of 1860. Central Act 2 of 1974.

59. The provisions of sections 64 to 70 of the Indian Penal Code, 1860 and sections 421 to 425 of the Code of Criminal Procedure, 1973 shall with respect to fines apply to penalties and fines imposed under this Act.

Recovery of penalties and fines imposed.

60. No action and prosecution against any person for anything done or intended to be done under the provisions of this Act shall be initiated after the expiration of three months from the date on which the act complained of shall have been committed.

Limitation of actions.

## CHAPTER X

### MISCELLANEOUS

61. Any direction or regulation made under this Act in respect of any area with respect to which there is a provision in any other law, for the time being in force, or in any rule, or bye-law made thereunder, such direction and regulation shall be subject to such law, rule or bye-law made thereunder.

Direction or regulation subject to other laws.

62. (a) All fees paid for licences or written permission issued under this Act, and all sums paid as penalties save in so far as any such fees or sums belong to any local authority as per the provisions of any other law in force; and

Fees, etc., to be credited to Government account.

(b) all rewards or shares thereof which are by law payable to police officers as informers, shall be credited to Government account:

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

63. No suit, prosecution or other legal proceedings shall lie against the Government, Board, Police Establishment Committee, or any officer or servant of the Government, Board for anything which is in good faith done or intended to be done under this Act or any rule, order or regulation made thereunder.

Protection of action taken in good faith.

64. The officer competent to issue licence under this Act may at any time and for reasons to be recorded in writing, cancel or suspend any licence granted under this Act on the ground that,-

Cancellation and suspension of licences.

(a) if any of the conditions of any licence are violated by the persons to whom it has been granted; or

(b) if such person is convicted of any offence in any matter to which such licence relates;

Provided that no such cancellation or suspension be ordered unless the holder of the licence has been given a reasonable opportunity of being heard.

65. The Government may, by notification, extend to any area not covered under section 36, all or any of the provisions in chapter VII and may declare such extension to be subject to such modifications as it thinks fit.

Application of Chapter VII to the areas not covered under section 36.

66. (1) The Government may make rules to carry out all or any of the purposes of this Act.

Power to make rules

(2) (a) All rules made under this Act shall be published in the Tamil Nadu Government Gazette and, unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

(b) All notification issued under this Act, shall, unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

(3) Every rule made or notification or order issued under this Act, shall, as soon as possible, after it is made or issued, be placed on the table of the Legislative Assembly and if, before the expiry of the session in which it is so placed or the next session, the Legislative Assembly agrees in making any modification in any such rule, notification or order, or the Legislative Assembly agrees that the rule, notification or order should not be made or issued, the rule, notification or order 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, notification or order.

67. If any difficulty arises in giving effect to the provisions of this Act the Government may, by an order published in the Tamil Nadu Government Gazette, make such provisions not inconsistent with the provisions of this Act as appear to them to be necessary or expedient for removing the difficulty;

Power to remove difficulties

Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

Repeal and savings

68. (1) The following Acts are hereby repealed, namely:-

(i) The Police Act, 1861;

Central Act V of 1861

(ii) The Tamil Nadu District Police Act, 1859;

Central Act XXIV of 1859

(iii) The Chennai City Police Act, 1888;

Tamil Nadu Act III of 1888

Tamil Nadu  
Act 32 of  
1987

(iv) The Chennai City Police (Extension to the City of Madurai and to the City of Coimbatore) Act 1987; and

Tamil Nadu  
Act 51 of  
1997

(v) The Chennai City Police (Extension to the Cities of Salem, Tiruchirappalli and Tirunelveli) Act, 1997.

Tamil Nadu  
Act I of 1891

(2) Upon such repeal, the provisions of sections 8 and 18 of the Tamil Nadir General Clauses Act, 1891 shall apply.

(3) Notwithstanding such repeal:-

(a) all rules, regulations, bye-laws, notifications, notices, orders, directions, proceedings, certificates issued, consents, permits, permissions or licences given, summons or warrants issued or served, persons arrested or detained or discharged on bail or bond, search warrants issued, bonds forfeited, penalty imposed under the relevant Acts referred to in subsection (1) immediately before the date of the commencement of this Act shall, so far as they are not inconsistent with the provisions of this Act continue to be in force until they are superseded or modified or reissued under the provisions of this Act.

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

STATEMENT OF OBJECTS AND REASONS

At present, the Police in the State of Tamil Nadir is governed by the Police Act, 1861 (Central Act V of 1861), Tamil Nadir District Police Act, 1859 (Central Act XXIV of 1859), the Chennai City Police Act, 1888 (Tamil Nadir Act III of 1888), the Chennai City Police (Extension to the City of Madurai and to the City of Coimbatore) Act, 1987 (Tamil Nadir Act 32 of 1987) and the Chennai City Police (Extension to the Cities Police (Extension to the Cities of Salem, Tiruchirappalli and Tirunelveli) Act, 1997 (Tamil Nadir Act 51 of 1997). As the said Acts are outdated, the Government of Tamil Nadir constituted a committee under the Chairmanship Home Affairs have set up a committee of experts to draft a Model Police Act under the chairmanship of former Attorney General of India Thiru. Soli Sorabjee to replace the Police Act, 1861 as part of the initiatives on police reforms. The Committee has drafted Model police Act. The Supreme Court of India in its judgment in Prakash Singh Vs. Union of India (2006) 8 SCC. 1) has directed that State should enact a new Police Act based on the said draft Model Police Act. The Government have, therefore, decided to enact a new Police Act by repealing the above said Acts.

2. The bill seeks to give effect to the above decision.

**M.KARUNANIDHI,**  
*Chief Minister.*