

THIRD & FINAL DRAFT
(August,2007)

WEST BENGAL POLICE ACT

2007

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WEST BENGAL POLICE ACT
2007

Preamble

WHEREAS the Nation's founding faith is the primacy of the rule of law and the police must be organized to promote rule of law and render impartial and efficient service to people with due concern for human rights and proper safeguards for the Security of the State and the Nation.

AND WHEREAS the police needs to be professionally organized and kept free from extraneous influences, so that it is respected by citizens and accountable to law

AND WHEREAS it is expedient to define the role, duties and responsibilities of the police, taking into account the emerging challenges of policing, and concern for the security of the State as well the need to ensure good governance and respect for human rights;

AND WHEREAS it is necessary to appropriately empower the police to enable it to function as a professionally efficient, effective and responsive agency;

AND WHEREAS it is necessary for this purpose to consolidate and amend the law relating to the establishment and management of the police, it is hereby enacted by the West Bengal Legislative Assembly in the fifty eighth year of the Republic of India as follows:

Chapter 1 :

Preliminary: Definitions & Interpretation

1. (i) This Act may be called the West Bengal Police Act, 2007.
- (ii) It shall come into force on such date as the State Government may, by notification published in the Official Gazette, specify in this behalf.
- (iii) It extends to the whole of the State of West Bengal;
2. (1) In this Act, unless the context otherwise requires
 - (i) "Act" means the West Bengal Police Act, 2007,
 - (ii) "Cattle" include cows, buffalos, camels, horses asses, mules, sheep, goat and swine ;
 - (iii) "Commissioner" means a Commissioner of Police appointed under Chapter 9 of this Act.
 - (iv) "Core functions" mean duties related to sovereign functions including arrests, search, seizure, crime investigation, crowd control and allied functions that can be performed only by the police as the agency of the State;
 - (v) "Divisional Commissioner" means the Divisional Commissioner of a revenue division.
 - (vi) "District or revenue District" means the area falling within the jurisdiction of a District Magistrate appointed in terms of sub-section (1) of section 20 of the Code of Criminal Procedure Code, 1973 (Act 2 of 1974);
 - (vii) "Enrolled member" means a member of the constabulary or a non- Gazetted Officer enrolled under the provision of this Act, in accordance with the Provisions of this Act,
 - (viii) " Leader of Opposition" Leader of opposition is the person recognized as such by the Speaker of the West Bengal Assembly, and includes a person recognized as the leader of the single largest opposition group in case there is no recognized Leader of Opposition,
 - (ix) "Gazetted Police Officer" means an officer of or above the rank of Inspector of Police..
 - (x) "Group 'C' Posts" means the posts so categorized under the relevant State Service rules;
 - (xi) "Headquarters Company" means a unit performing administrative and other support functions in the State Armed Police Battalion, Eastern Frontier Rifle Battalions and the India Reserve Battalions.
 - (xii) "Insurgency" means waging of armed struggle by a group or section of population against the State or the Nation with a political objective, including the separation of a part of a State from the territory of India;
 - (xiii) "Internal Security" means preservation of unity and integrity of the State from disruptive and anti-national forces.
 - (xiv) "Militant activities" includes any violent activity of a group using explosives, inflammable substances, firearms or other lethal weapons or hazardous substances in order to achieve political objectives;
 - (xv) "Notification" shall mean a notification published under proper authority in the Official Gazette.
 - (xvi) "Offence" means any act or omission made punishable by any law for the time being in force.
 - (xvii) "Official Gazette" means the Gazette of the Govt. of West Bengal;
 - (xviii) "Organized crime" means any crime committed by a group of persons in pursuance of a common intention of unlawful gain ;
 - (xix) "Other ranks" or "Constabulary" means non-Gazetted Police officers other than Upper Subordinates.

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- (xx) "Place of public amusement and public entertainment" means any public places as may be notified as such by the State Government;
- (xxi) "Police District" means the territorial area notified under Chapter 2 of this Act, as distinct from a revenue district;
- (xxii) "Police officer" means any member of the Police Service for the State.
- (xxiii) "Prescribed" means prescribed by rules made under this Act;
- (xxiv) "Police organization" means the various wings of the State Police service constituted under this Act.
- (xxv) "Public place" means any place to which the public have access whether on payment or free of charge and includes:
- (a) A public building and monument and precincts thereof; and
- (b) Any place accessible to the public for drawing water, washing or bathing or for purposes of recreation;
- (xxvi) "Regulations" mean regulations made under this Act;
- (xxvii) "Rules" mean rules made under this Act;
- (xxviii) "Service Companies" mean units of State Armed Police Battalions, Eastern Frontier Rifles and India Reserve Battalions which are deployed for law and order and other duties in support of civil police;
- (xxix) "Service" means the Police Service constituted under this Act;
- (xxx) "Standing Order" means the special or general orders issued by the Director General of Police in consonance with the provisions of this Act or Rules there-under.
- (xxxi) "Subordinate Rank" means all ranks below the rank of Inspector of Police;
- (xxxii) "Misconduct" means as act or omission of a police officer which is prohibited under this Act or is not in accordance with standard of conduct specified under this Act or in accordance with the role, functions and responsibilities cast on the officer under this Act.
- (xxxiii) "Serious misconduct" means such misconduct which is an offence under any criminal law in force and is likely to bring the image of the State Police into disrepute and shall include ^{amongst others - offences like} corruption, misuse of authority, murder, attempt to murder, grievous hurt, rape or other sexual offences and such other acts of misconduct as Government may specify by notification from time to time.
- (xxxiv) 'oath' includes a solemn affirmation substituted by law for an oath, and any declaration required or authorized by law to be made before a public servant or to be used for the purpose of proof, whether in a court of justice or not.
- (xxxv) "Terrorist activity" means any activity of a person or a group using or threatening the use of 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 of striking terror in society or any section thereof, or with the intention of overawing the Government established by law.
- (xxxvi) "Upper Subordinate" means non-Gazetted Police Officer of the rank of Assistant Sub-Inspector and above
- (2) Words and expressions used in this Act but not defined specifically shall have the same meaning as provided to therein in the General Clauses Act 1897, the Code of Criminal Procedure 1973, and the Indian Penal Code 1860.

IS MISCONDUCT
DEFINED IN LAW?

COMPARE
CRPC
IPC

DO WE WANT TO
DEF TERRORISM?
SEE PREVIOUS
CRITIQUE

DEPUTY SUPERINTENDENT
↑
ASSISTANT SUB-INSPECTOR

CHAPTER - 2

Constitution and Organization of the State Police Service

2.1: One Police Service for the State

(1) The entire police establishment under the state Government, shall for the purposes of this Act, be deemed to be one Police Service and shall be formally enrolled and shall consist of such number of officers and men, and shall be constituted in such manner as shall, from time to time, be ordered by the State Government. Members of the West Bengal Police Service, except the personnel of the Eastern Frontier Rifle Battalions, in such ranks as to be decided by the State Government, shall be liable for posting to any branch of the Service including the Armed Police or any of the specialized wings or as directed by the state Government from time to time. The Superintendence of the Police throughout the State shall vest in and shall be exercised by the State Government and except as authorized under the Act, no person; officer or Court shall or be empowered by the State Government to, supersede or control any Police functionary

(2) Police personnel shall at all times remain accountable to the law and responsive to the lawful needs of the people and shall observe strict codes of ethical conduct and integrity, and;

(i) No Police officer shall withdraw himself from duties of his office unless expressly allowed to do by an officer authorized by State Government.

(ii) No Police officer shall resign his office unless he has given notice in writing to his Superior officer of not less than two months.

(iii) No police officer shall engage in any other employment or office unless expressly permitted to do so in writing by the Director General of Police or an officer authorized by him.

2.2: Constitution and Composition of the State Police Service

(1) Subject to the provisions of this Act:

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

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

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

(2) The State Government shall by rules in this behalf determine the strength of various ranks in the Civil and Armed Police.

(3) Recruitments to the Constabulary and promotions therein shall be made through a State-level Police Recruitment Board or District level Police Recruitment Boards, as the case may be, in accordance with Recruitment/ Promotion Rules framed by the State Government. Provided that the Director General may transfer constabulary from the Armed Cadre to Civil Cadres and vice-versa under general orders of the Government, issued in the public interest from time to time, except in the case of the Eastern Frontier Rifle Battalion notified under Chapter V of this Act.

(4) Recruitment on promotion to the Upper Subordinate ranks of the Police and promotion therein shall be made in accordance with Recruitment and Promotion Rules framed by the State Government.

(5) Appointments to the Gazetted State Police Service shall be made on the recommendation of the State Public Service Commission in accordance with Recruitment Rules framed by the State Government, Provided that the State Government may frame Rules for promotion within the Gazetted State Police Service.

(6) Officers of the Indian Police Service shall be appointed to hold posts in the State in accordance with Rules framed by the Central Government.

(7) The pay, allowances, pensions and all other conditions of service of the officers of State Police Service other than the Indian Police Service shall be such as may be determined by State Government by rules framed for the purpose.

2.3: Appointment of Director General/Additional Directors General/Inspectors General and Deputy/Assistant Inspectors General.

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

(2) The post of Director General shall be the senior-most position in the hierarchy of the Police Service of a State and no officer senior or equivalent in rank to the incumbent Director-General shall be posted to any position within the State Police Organization.

(3) The State Government may appoint one or more Additional Director General and as many Inspectors-General and Deputy Inspector General and Assistant Inspectors-General as necessary, subject to Rules made in this behalf by the Central Government.

(4) The State Government may, by a general or special order notified in the Official Gazette and in consultation with the Director-General, direct how, in what manner and to what extent an Additional Director-General or an Inspector-General or a Deputy Inspector General or Assistant Inspector-General shall assist and aid the Director-General in the performance, exercise and discharge of his powers, functions, duties, responsibilities and authority.

(5) Subject to such general or special order of the Government, the Director-General may, from time to time, assign specific duties and responsibilities by means of a general or special standing order.

2.4: Method of Selection and Term of Office of 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 Police Board created under Chapter V of 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', & 'Satisfactory' ;

(c) range of relevant experience, including experience of work in central police organisations, 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 provided that the normal tenure shall not be applicable in case of superannuation and *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 19- 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.

2.5 Appointment of Commissioner of Police: (1) The State Government may appoint a Police Officer to be the Commissioner of Police for 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 Commissioner of Police or Joint Commissioner of Police for the areas specified in clause (1).

(3) The commissioner shall exercise such powers, performs 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 /Inspector General.

(4) The State Government may, by general or special order, empower an additional Commissioner or Joint Commissioner of Police 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 Commissioner under this Act or under any law for the time being in force.

2.6: Appointment of Legal Advisor and Financial Advisor

The State Government shall appoint a Legal Advisor and a Financial Advisor of such rank as may be determined by the State Government to assist and aid the Director General of Police on legal and financial matters respectively, in the discharge of his duties and functions.

2.7: Creation of Police Zones and Ranges

(1) The State Government may, in consultation with the Director - General of Police, by notification, divide the entire geographical area of the State into two or more police Zones each with a designated headquarters. Each Zone comprising of two or more Police ranges, shall be headed by an officer of the rank of Inspector- General who shall supervise the Police administration of the Zone and report to the Director - General. Till the issuance of a notification under this Sub-section in this behalf, the entire State shall be deemed to constitute a single Police Zone.

(2) The State Government, in consultation with the Director - General, may by notification create as many Police Ranges as deemed necessary each with a

designated Headquarters. Each Range, consisting of two or more Police Districts, shall be headed by an officer of the rank of Deputy Inspector - General who shall supervise the police administration of the Range and report to the Inspector - General in charge of the Zone in the jurisdiction of which the Range falls. Till the issuance of a notification under this sub-section, the revenue division in the State shall be the Police Ranges for the purpose of this Act.

2.8 - Police Districts

(1) The State Government, in consultation with the Director - General, may by notification published in Official Gazette declare any area within the State to be a Police District with a designated headquarters. The administration of the police throughout such district shall vest in the Superintendent of Police who may be assisted by as many Additional, Assistant or Deputy Superintendents of Police as deemed necessary subject to the rules made for the purpose.

(2) Notwithstanding any thing contained in any rule in this behalf, the State Govt., may in the public interest and for reasons to be recorded, post such additional Assistant or Deputy Superintendents of Police to a District as may be necessary, for a period not exceeding six months.

(3) Till the issuance of a notification under this Sub-section, the revenue District shall be the Police District for the purpose of this Act.

2.9 - District-level Special Cells, Sub-Divisions and Circles

(1) For the purpose of ensuring quick and scientific investigation of such serious crimes as may be notified, the State Government shall, in consultation with the Director -General and by notification published in the Official Gazette create a Special Cell in each Police District, to be headed by an officer of the rank of Additional Assistant or Deputy Superintendent of Police, for supervision and monitoring of investigation and for the better coordination of prosecution of such cases in a Court of Law.

(2) The State Government may by notification published in the official Gazette divide a Police District into as many Circles and Sub-Divisions as deemed necessary with designated headquarters, to be headed by an officer of the rank of Circle Inspector of Police or Assistant or Deputy Superintendent of Police, and such officer shall be known as the Circle Officer or Sub- Divisional Police Officer.

2.10 - Police Stations

(1) Subject to such norms as may be prescribed, the State Government may, in consultation with the Director- General and by notification, create as many Police Stations in a Police District as deemed necessary from time to time with jurisdiction over such villages as may be specified in the notification, keeping in view the population, geography of the area, the crime situation, the workload with respect to the law & order and the distances to be traversed by inhabitants to reach the Police Station.

(2) One or more police Stations may be assigned to a Police Circle for the purpose of Control and Supervision;

(3) One or more circles or Police Stations may be assigned to a Police Sub-Division for the purpose of control and supervision.

(4) One or more sub divisions may be assigned to a Police Zone for the purpose of control and supervision.

(5) A Police Station shall have a Officer in Charge not below the rank of Sub - Inspector of Police, as the officer- in-charge of the Police Station . Provided that larger Police Stations may be placed under the charge of officers of the rank of Inspector of Police, in a accordance with such norms as may be prescribed.

(6) The State Government shall ensure availability of adequate strength of staff at each police station, based on norms prescribed.

(7) The State Governments shall provide to each Police Station all essential amenities including a reception-cum- visitors' room, separate toilets for men and women and separate lock-ups for men and women.

(8) In order to ensure professional and scientific investigation, the Director General of Police, West Bengal, shall identify the Police Station, Sub Division or the District which shall have a separate Investigation wing called the Criminal Investigation Unit (CIU) staffed by such numbers of officers as may be determined, above with appropriate numbers of Constabulary. The qualifications and experience for the Investigation Officers to the police Station shall be prescribed in Standing Orders issued by the Director-General with the previous approval of the Government.

(9) The State Government shall, on the recommendations of the Director General of Police, ensure that every Police Station with figures of crime against women higher than the norm has a Women Protection Desk staffed by women police, to record complaints of crime against women. Provided that all Police Stations at District Headquarter and sub -divisional headquarters shall have such a Desk irrespective of the norm.

(10) Each Police Station shall prominently display all the information required to be made public under the Right to Information Act, all the Supreme Court guidelines and Standing Orders of the Director-General required to be so displayed as well as information relating to occurrence of crime, arrests, detention, release, convictions and acquittals. The information shall be displayed in such manner as the Director-General may by General or special Standing order, specify from time to time. Subject to such Standing Orders, the Deputy-Inspector General within his Range, and the Superintendent of Police within the District may issue direction for display of such information as may be necessary in the public interest

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

2.11 Appointment of Deputy Commissioner of Police: (1) The State Government may appoint one or more Deputy Commissioners of Police in any area in which a Commissioner has been appointed under sub-section (1) of section 9.

(2) Every such Deputy Commissioner shall under the orders of the Commissioners, exercise and perform any of the powers (except the power to make regulations) functions and duties of the Commissioner to be exercised or performed by him under the provisions of this Act or any other law for the time being in force in accordance with the general or special orders of the State Government made in this behalf.

The State Government may appoint for any area for which a commissioner of police has been appointed under section 9 such number of Assistant Commissioners of Police as it may think expedient.

(2) An Assistant Commissioner appointed under sub -section (1) shall exercise such powers (except the power to make regulations) and perform such duties and functions as can be exercised or performed under the provisions of this Act or any other law for the time being in force or as are assigned to him by the commissioner under the general or special orders of the State Government.

2.12 Term of office of key police functionaries:-

(1) An officer posted as officer in-charge or as Inspector in Charge of a Police Station or a Inspector posted as Circle Inspector or a Police Officer posted as Sub Divisional Police Officer or as Superintendent of Police of a District or a Deputy Inspector General of Police in charge of a Range or an Inspector General of Police in charge of a Zone or the Commissioner of Police shall have a term of a minimum of two years and a maximum of three years, unless promoted to higher post earlier. Provided that for reason to be recorded in writing, an officer may be retained for upto six months after expiry of his term, in the public interest. Provided further that any such officer shall be removed from his post before the expiry of the minimum tenure of two years by the competent authority for reasons to be recorded in writing consequent upon:

- (i) Filing of a charge sheet in a criminal case in a Court of law ;
- or (ii) Serving of a Charge-sheet for a major penalty under the relevant disciplinary Rules; or
- (iii) Suspension from service in accordance with the provisions of the relevant disciplinary Rules; or
- (iv) Incapacitation by physical or mental illness or otherwise becoming unable to discharge his/her functions and duties in the appointment.
- (v) In the public interest, for reason to be recorded in writing.

**2. 13: General Administration, Law and Order in a District:-
Coordination with the District Administration:**

For the purpose of efficiency in the general administration of the district, it shall be lawful for the District Magistrate, in addition to the provisions of the Code of Criminal Procedure, 1973 and other relevant Acts, to coordinate the functioning of the police with other agencies of district administration in respect of matters relating to the following:

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

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

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

2. 14: Railway Police:-

(1) The State Government may, by notification published in the Official Gazette, create one or more police stations or include in the existing police Station of a district embracing such railway areas in the police districts in the State as it may specify, and appoint-one or more Assistant and Deputy Superintendent of Police and such other police officers in every district to assist the Supdt. of Police of the District for discharge of police functions connected with the administration of railway area

situated within their respective charges, and such other functions as the State Government may from time to time assign to them..

2) Subject to the control of the Director-General, the state Govt. may appoint one or more Addl. Supdts. Of Police, Spl. Supdts. Of Police, Deputy Inspector General of Police, Inspector General of Police who 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 shall generally or specially empower to act under this sub-section may, subject to any orders which the Government may make in this behalf, exercise within the police stations created as mentioned in para (1) above or any part thereof any of the powers of an officer-in-charge of a police station in that district, and when so exercising such powers 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 District 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 approval of the Director General of Police, delegate any of the powers and functions conferred on him by or under this Act to an Assistant or Deputy Superintendent of Police subordinate to him.

6) The State Govt. may appoint-one or more Deputy Inspector General of Police, Inspector general of Police or Additional Director General of Police in the State and such officers shall exercise such powers, performs 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 Deputy Inspector General of Police/Inspector General of Police or the Additional Director General of Police shall be exercised, performed or discharged subject to the control of the Director General of Police, West Bengal.

2.15: State Intelligence and Criminal Investigation Departments:

(1) The State Police Organization shall have under it, a State Intelligence Department for coordination, analysis and dissemination of intelligence, and a State Criminal Investigation Department for taking up investigation of inter-state, and inter district crimes and other important cases as well as those entrusted by the Director General of Police from time to time

(2) The State Government may appoint an police officer not below the rank of Additional Director General of Police to head each of the two Departments.

(3) The State 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 of appropriate rank but not below the rank of Superintendent of Police,

(4) The State Intelligence Department shall similarly have specialized wings, as needed, to coordinate specialized tasks such as VIP Security, counter - terrorism, counter - militancy, internal security etc.

(5) The State Government shall appoint appropriate number of officers in different ranks in the State Criminal Investigation Department and the State Intelligence Department, in accordance with the rules made in this behalf.

2.16: Organisation of Technical and Support Services:

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, as 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.

(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 Telecommunications and the Police Transport Services.

2.17: Appointment of Directors of State Police Academies and Principals of Police Training Colleges and Schools

(1) The State Government shall establish a full-fledged Police Training Academy at the State level for in-service training of Gazetted Police officers, a Police Training College to impart in-service training to Upper Subordinate Police Officers and such number of Police Training Schools as may be necessary to provide in service training to the Constabulary of the various wings of the Police organization.

(2) The State Government shall appoint a police officer not below the rank of Inspector- General to be the Director of the State Police Academy and an officer not below the rank of Deputy Inspector - General to head the Police Training College and an officer not below the rank of Superintendent of Police as the Principal of each Police Training School.

(3) The Academy, College and Schools shall include faculty from amongst the Police and related services as well as from academic institutions as may be prescribed by the State Government. The Director of the Academy shall present an Annual Report on behalf of all the Training institutions to the State Police Board.

2.19: Deployment of Additional Police

(1) Subject to general or special directions of the State Government in this behalf, a District Superintendent of Police may, on application by any person or body corporate showing the necessity thereof, depute such additional number of Police officers as may be necessary at any place within the Police District and such additional force shall be exclusively under the control of the District Superintendent of Police and shall be at the charge of the person or body corporate making the

application. Provided that such person or body corporate may, by giving one month notice, seek withdrawal of such Police Officers and the person or body corporate shall be released from the charge of such additional force on expiration of such notice.

(2) Wherever any Public works or Public utilities or any manufacturing or commercial concern is in operation and it appears to the Director-General that deployment of an additional Police force in such place is necessary in the interest of maintenance of the public peace or an essential service because of the likelihood of strike or other action by employees of such Public works Public utility or manufacturing or commercial concern, or other persons, he may, depute appropriate additional force to such place for as long as may be necessary and make orders requiring the payment of such extra force to be made by the management of such works, utilities of concerns, and the management shall thereupon cause payment to be made accordingly.

(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.

2.20: State Government may prescribe form of records and returns:-

(1) The State Government may direct maintenance of such records and the submission of such returns by the Director - General, Inspector- General, Deputy Inspector- General or District Superintendent of Police any as may be necessary from time to time and may prescribe the form in which such records and returns shall be made.

(2) Subject to such records and returns as may be specified by the State Govt., the Director - General may, by special or general Standing Orders, prescribe the nature and format of records to be maintained and reports and returns to be submitted by the District, Range and Zonal level officers of the Police Organisation and of the specialized wings, including the Armed Police, and the procedure to be followed for the purpose, including computerization thereof.

2.21: Powers of State Govt. to frame Rules :

(1) The State Government may make rules for the purpose of carrying into effect the provisions of this Chapter.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for:-

(i) The determination of the strength of various ranks in the Civil and Armed Police.

(ii) Recruitment and promotion rules for the Constabulary, Non-Gazetted Officers ranks of the Police.

(iii) Powers, function, duties and responsibility of the Director General of Police, of the Police officers and Subordinate ranks constituting the State Police Services.

(iv) The determination of pay and all other conditions of services of the Police Service, other than the Indian Police Service, constituted under this Act.

2.22 Powers of the Director - General to issue Standing Orders :

The Director - General may issue special or general Standing Orders from time to time in consonance with the Act and Rules if any framed hereunder to better achieve the objects of this chapter.

2.23 Power of Zonal IG, Range DIG and District Supdt. of Police to issue Standing Instructions :

The Zonal IG, Range DIG and District Superintendent of Police may issue Standing Instructions from time to time in respect of any subject matter of this Chapter, pursuant to Standing Orders of the Director - General.

Chapter 3 The Civil Police

3.1 Recruitment :-

(1) The Civil Police shall comprise of all personnel of West Bengal Police and Kolkata Police other than Armed Police, State Armed Police, Kolkata Armed Police, India Reserve Battalion and the Eastern Frontier Rifle Battalions;

(2) The strength of various cadres of the Civil Police shall be as prescribed by the State Government from time to time.

(3) Recruitment to the Civil Police shall be in accordance with Rules notified by the State Government. The Director-General, subject to the provision of this Act, shall cause recruitment to be conducted to all non-Gazetted vacancies in the Civil Police required to be filled by direct recruitment.

(4) Every Civil Police personnel on initial recruitment shall undergo induction training at the Police Training School in case of Constabulary, and Police Training College in case in case of Upper Subordinate and Police Academy or such other place as decided by the Director General of Police, in the case of Gazetted officers. The period and syllabus of the training shall be as prescribed, which may be revised, from time to time on the recommendations of the Director General of Police, West Bengal, subject to the general directions of the State Police Board.

3.2 Service Conditions of Primary Ranks of the Civil Police Service

(1) The State Special Services Board shall be constituted to select suitable personnel in the non gazetted ranks of the Police service and shall act as a consultant body for all Human Resource issues including promotion matters through a transparent process, for different ranks.

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

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

3.3 Oath or affirmation on first appointment;- Every Civil Police officer on first appointment shall make and subscribe an oath or affirmation in the form set out in Schedule I to this Act, before the appointing authority or such Gazetted Officer as Government may specify by general or special order in this behalf.

3.4 Certificate of appointment;-

(1) Each non-Gazetted Civil Police officer on first appointment, shall be issued a certificate of appointment, and a distinctive enrolment number, separately for the constabulary, and for upper Subordinates, which shall be his personal number, during the period of his service in that rank in the police service, irrespective of his transfer to a district, armed police or any other department of the West Bengal Police Service.

(2) Each Gazetted Civil Police Officer other than a Member of the Indian Police Service on first appointment, shall be issued a Certificate of appointment;

(3) The Certificate of appointment and Insignia shall be deemed as withdrawn and shall be surrendered in case the Police Officer ceases to be a member of the State Police Service or has been suspended from the Service.

3.5 Uniform and badges of rank:-

(1) The State Government shall by general or special order notified in the official Gazette prescribe the uniform for the various ranks in the civil police and the protocol with respect to duties and the wearing of the uniform.

(2) The State Government shall by general or special order notified in the official Gazette prescribe the badges of rank and other distinctive badges that may be worn with the uniform.

(3) The Director General, subject to such orders of the Government may issue general standing orders in this behalf.

3.6 Scale of arms and ammunition :-

(1) The armament of the Civil Police shall be fixed by the orders of the Government in an Equipment Table and Government shall from time to time issue instructions regarding procurement of armaments.

(2) Distribution of arms to districts will be fixed on the order of the Director-General, who by means of Standing Orders shall lay down the procedures to be followed for custody and care of arms, ammunition, stock of material for repair and maintenance, or of and manner in which damaged and unserviceable weapons are to be disposed off and the procedure in case of loss of any weapon or ammunition.

3.7 Control and Supervision :-

(1) (i) The Station House Officer shall assign work and control and supervise the of the staff of the Police Station and Police Posts in his charge.

(ii) The Circle Inspector of Police shall generally control and supervise the police stations under his charge, and issue such directions as may be necessary to better achieve the objects of this Act;

(iii) The Sub Divisional Police Officer shall generally control and supervise the police stations under his charge, and issue such directions as may be necessary to better achieve the objects of this Act.

(iv) The Addl. Supdt. of Police of a Zone shall generally control and supervise the Circles and sub divisions under his charge, and issue such directions as may be necessary to better achieve the objects of this Act.

(v) The District Superintendent. of Police shall generally control and supervise the work of the Sub Divisional Police Officers and Police Stations and Posts in the districts and issue such directions as may be necessary to better achieve the objects of this Act.

(vi) The Range Deputy Inspector General and Zonal Inspector General shall generally control supervise the work of the districts and the Range to better achieve the object of the Act.

(vii) For other civil police units the Director General may by special standing order, prescribe the controlling and supervisory authorities.

(2) Subject to provisions of this Act and any Rules made there-under the Director General by general or special standing orders may prescribe from time to time the functions that need to be performed by the various ranks of Civil Police in relation to each duty and responsibility.

(3) Subject to general or special standing orders of the Director General, the controlling and supervising officer of the Police Station, Police Sub Division, Police District or other civil police unit may by means of an order communicated in writing, prescribe the functions to be performed by various ranks of the civil police under his control who have not been assigned any specific duty or responsibility.

3.8 Conduct and Discipline :-

(1) Every civil police officer shall perform to the best of his ability, the functions required from him in relation to any duty or responsibility assigned to him, subject to the provisions of this Act and orders of the Director General of Police.

(2) Any non-performance or deficiency in the standard of performance shall make the police officer liable for disciplinary action in accordance with conduct and disciplinary rules prescribed by the State Government for the purpose .

3.9 Power of State Govt. to frame Rules:

(1) The State Government may make rules for the purpose of carrying into effect the provisions of this Chapter.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for:-

(i) Fixation of strength of various ranks of the Civil Police.

(ii) Recruitment, promotion and postings of various ranks of the Civil Police .

(iii) Constitution of Sub-Cadres and their management.

(iv) Functions, duties and responsibilities of the various ranks of the Civil Police.

(v) Conduct and discipline of the Civil Police.

3.10 Power of the Director - General to issue Standing Orders:-

The Director General may issue special or general Standing Orders from time to time in consonance with the Act and Rules if any framed there under to better achieve the objects of this Chapter

3.11 Power of Zonal Inspector General, Range Deputy Inspector General and District Superintendent of Police to issue Standing Order:-

The Zonal Inspector General, Range and District Superintendent of Police may issue Standing instructions from time to time in respect of any subject matter of this Chapter, pursuant to Standing Orders of the Director General.

3.12. Duties of Civil Police Officers

The Duties of all officers of and above the rank of non gazetted Police Officer 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 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.

Chapter- 4
The Armed Police

4.1 District Armed Reserves and State Armed Police Battalions

(1) To assist the civil police promptly and efficiently in dealing with acts involving or likely to involve breach of the peace or breakdown of law and order and also to assist in management of disasters, the State Government shall create Armed Police units with appropriate manpower strengths in the form of an Armed Police Reserve for each Police district, and appropriate number of Armed Police Battalions, *including Eastern Frontier Rifle Battalions and the India Reserve Battalions for the State*, including provision of women units and any other Armed Police Battalions that are sanctioned by the State Government..

(2) The strength, the number of Battalions etc of the Armed reserves and the Armed Police Battalions, Eastern Frontier Rifle Battalions shall be as prescribed by the State Government from time to time.

(3) Recruitment to the Armed Police Battalions shall be in accordance with Rules notified by the State Government.

4.2 Role and functions:-

(1) The Armed Police Battalions shall 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 breaches of the peace or breakdown of law and order or situations arising out of disasters in a local area beyond the management resources of the civil police.

Provided that the Director - General of Police by general or special order, may earmark one or more companies of a Battalion to be deployed on the orders of the Range Deputy Inspector General as a quick response unit.

(2) The Role and functions of the India Reserve Battalions will be notified by the Director General of Police with approval of the State Govt.;

(3) The Role and functions of the Eastern Frontier Rifle Battalions have been specified in Chapter V of this Act.

(4) The District Armed Reserve, shall function under the control, direction and supervision of the District Superintendent of Police as the armed wing of the district police to deal with any local law and order problem or local disasters in the District, and for providing escort to violent or dangerous prisoners, or such other duties as may be determined by the Director-General by means of Standing Order from time to time.

4.3 Organizational structure of district Armed Reserves:-

(1) The Non-Gazetted and Gazetted Ranks of the State Police Service posted in the District Armed Reserves shall form a separate Sub-Cadre and all postings in the Sub Cadre will be in accordance with Rules prescribed by the State Government.

(2) The District Armed 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),

(3) 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 Sub Inspector; and each Section shall have two Head Constables or such other rank as decided by the Director General of Police who would lead the half-Sections when so deployed.

(4) The deployment of the District Armed Reserve for performing law and order duty with arms shall ordinarily be in 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 be utilized in the strength of half- Sections.

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

(6) It shall be the duty of the District Superintendent of Police to ensure that the personnel of the Reserve are deployed in a manner that ensures their regular training and constant preparedness for their tasks.

(7) The District Armed Reserve shall always be maintained at full strength by direct recruitment or transferring personnel from Armed Battalions in accordance with Standing Orders issued by the Director-General of Police.

4.4 Structure of the Armed Police Battalion :-

(1) A Commandant, equivalent in rank to a Superintendent of Police, shall head each Armed Police Battalion. The Commandant shall be assisted by a Deputy Commandant, equivalent in rank to an 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 Headquarter Company, each of which will be headed by an Assistant Commandant, equivalent in rank to a Deputy Superintendent of Police.

(2) The Structure of the Eastern Frontier Rifles shall be as laid out in Chapter V of this Act.

(3) The Armed Police organization of the State shall be headed by an officer of the rank of Additional Director General of Police, who shall be responsible for the administration, training, operational preparedness and welfare of personnel of all the armed police units in the State, under the overall guidance and supervision of the Director General of Police.

(4) In fixing the strength of senior officers for the Armed Police organization, it shall be ensured that for supervising the functioning and preparedness of every 3 or 4 Battalions, a senior officer of the rank of Deputy Inspector General is provided and in case there are 2 such Deputy Inspectors General, the Armed Police organization shall be headed by an officer of the rank of Inspector General.

(5) The duties of the head of the Armed Police Battalions organization, 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 or the Director General of Police with the consent of the State Govt. from time to time.

4.5 Rotation between Battalions and Armed Reserves and recruitment:-

(1) Personnel of District Armed Reserves and Armed Police Battalions will be rotated from time to time as per general or special Standing Order of the Director General of Police **except** in the case of the Eastern Frontier Rifle Battalions. The rotation of personnel from the State Armed Police Battalions, District Armed Reserve and the Civil Police, will be governed by Rules to be issued by the Director General of Police, West Bengal.

(2) Subject to the provisions of this Act, the Director-General shall cause recruitment to be conducted to fill all non-Gazetted vacancies in the Battalions required to be filled by direct recruitment **except** in the case of the Eastern Frontier Rifle Battalions, which shall be as per the provisions contained in Chapter V of this Act.

4.6 Oath or affirmation on first appointment:-

Every member of the Armed Police on first appointment shall make and subscribe on oath or affirmation in the form set out in Schedule II to this Act before the Commandant of the Battalion or District Superintendent of Police.

4.7 Certificate of appointment :-

(1) Each non-Gazetted Police officer on first appointment, shall be issued a certificate of appointment, and a distinctive enrolment number, separately for the constabulary, and for upper Subordinates, which shall be his personal number, during the period of his service, in that rank, in the police service, irrespective of his transfer to a district, armed police or any other department of the West Bengal Police Service.

(2) The certificate of appointment shall be deemed as withdrawn and shall be surrendered in case the Police officer ceases to be a member of the Armed Police or had been suspended from the service.

4.8 Uniform and badges of rank :-

(1) The State Government by general or special order notified in the official Gazette, shall prescribe the uniform for the various ranks in the Armed Police Battalion, India Reserve Battalion and the Eastern Frontier Rifles and the protocol with respect to the duties and wearing of the uniform.

(2) The State Government by special or general order notified in the official Gazette shall prescribe the badges of rank and other distinctive badges that may be worn with the uniform.

(3) The Director-General, subject to such orders of the Government may issue general standing orders in this behalf.

4.9 Conduct and discipline:-

(1) Every Armed Police Officer on duty shall ensure the maintenance of peace and tranquility to the best of his ability and shall:-

(i) Obey without delay, all lawful orders of his official superiors issued for the maintenance of law and order.

(ii) Exercise his discretion to use disproportionate or excessive force.

(iii) Exercise his discretion to refrain from using appropriate force to maintain the public peace, on extraneous considerations or in pursuance to orders or suggestions from a person other than his official superior.

(iv) Not use his position, uniform or arms to intimidate any person other than when required in the proper discharge of his duties.

4.10 Training :-

(1) All members of the Armed Police on initial recruitment shall undergo induction training in batches at such locations as will be notified by the Director General of Police in respect of the Constabulary and Police Training College or such other institution as decided by the Director General of Police in case of upper subordinates and Gazetted officers.

The period of training and syllabus of the training shall be as prescribed.

(2) All ranks in the Armed Police units shall undergo annual refresher training programmes by rotation and such specialized training as may be needed by different categories, determined, by general or special order of the Director-General.

(3) Each Battalion will have one full Company earmarked as the "Training Reserve", to provide for rotational training to all personnel.

(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 Reserve and State Armed Police Battalions shall be such as prescribed and shall reviewed and revised from time to time on the recommendations of the Director General of Police, subject to general directions of the State Government.

4.11 Deployment:-

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

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

(3) It shall be the duty, in the case of District Armed Reserve, of the District Superintendent of Police and that of the head of the Armed Police Organization for 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 of a Battalion and between Battalion and District Reserve.

4.12 Arms, Equipment mobility, communications etc:-

(1) The armament of the Armed Police shall be as fixed by the orders of the Government in an Equipment Table. All items shown in the Equipment Table shall be obtained in the manner prescribed. Distribution of arms to Battalion and District Armed Reserves will be fixed on the order of the Director-General of Police, who by means of Standing Order shall lay down the procedures to be followed for custody and care of arms,ammunition stock of material for the repairs and maintenance, and manner in which damaged and unserviceable weapons are to be disposed off and the procedure in case of loss of any weapon or ammunition.

(2) The adequacy of arms, equipment mobility, and communications etc for each Battalion as well as the District Armed Reserve shall be assessed regularly on an annual basis by the officer heading the State Armed Police Organization in consultation with the Commandants and the District Superintendent of Police concerned.

4.13 Annual report:-

The Director-General shall make an annual report to the State Government,detailing the instances of deployment of District Armed Reserves and Battalions,the state of their preparedness and training, including adequacy of men, arms,equipment, mobility, communications etc.

4.14 Power of State Government to frame Rules:-

(1) The State Government may make rules for the purpose of carrying into effect the provision of this Chapter.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for:-

(i) Recruitment to the Armed Police.

(ii) Role, functions and duties of the Armed Police.

(iii) Posting and Promotions in the Armed Police.

(iv) Conduct ,discipline and training of the Armed Police.

4.15 Power of the Director - General to issue Standing Orders :-

The Director General may issue special or general Standing Orders from time to time in consonance with the Act and Rules if any framed there-under, to better achieve the objects of this Chapter.

4.16 Powers of Inspector General, Deputy Inspector General, and Commandant to issue standing instructions :-

The Inspector General, Deputy Inspector General-in- charge of Armed Police and Commandant of the Battalion may issue Standing Instructions, from time to time, in respect of any subject matter of this Chapter in respect of the Armed Police under their control, pursuant to Standing Orders of the Director General.

Chapter V

Eastern Frontier Rifles

5.1 Eastern Frontier Rifles as Armed Police Battalions of the State

- (i) To assist the civil police promptly and efficiently in dealing with acts involving or likely to involve breach of the peace or breakdown of law and order and also to assist in management of disasters, the State Government shall, create the Eastern Frontier Rifles with appropriate manpower strengths in the form of appropriate number of Armed Police Battalions for the State, in terms of Chapter IV of this Act. Recruitment to the Eastern Frontier Rifle Battalions shall be in accordance with Rules notified by the State Government.
- (ii) The strength and the number of Battalions of the Eastern Frontier Rifles shall be as prescribed by the State Government from time to time.
- (iii) The Headquarters of each of the Eastern Frontier Rifle Battalion shall be located at such places as decided by the Director General of Police with approval of the State Govt.
- (iv) The Battalion shall be composed of personnel from such areas and communities as will be notified by the State Govt. from time to time;

5.2 Role and functions:-

- (1) The Eastern Frontier Rifle Battalions shall 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 breaches of the peace or breakdown of law and order or situations arising out of disasters in a local area beyond the management resources of the civil police.
- (2) The Eastern Frontier Rifle Battalions will be deployed in such areas as decided by the Director General of Police to assist the District Police Force in actions against insurgents, anti national elements, and criminals;
- (3) Provided that the Director - General of Police by general or special order, may earmark one or more companies of a Battalion to be deployed on the orders of the Range Deputy Inspector General as a quick response unit.

5.3 Structure of the Eastern Frontier Rifles:-

- (1) A Commandant, equivalent in rank to a Superintendent of Police, shall head each Eastern Frontier Rifles Battalion. The Commandant shall be assisted by a Deputy Commandant, equivalent in rank to an 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 Headquarter Company, each of which will be headed by an Assistant Commandant, equivalent in rank to a Deputy Superintendent of Police.
- (2) The State Govt. may appoint one or more officers of the rank of Deputy Inspector General, Inspector General of Police, Addl. Director General of Police who shall be responsible for the administration, training, operational preparedness and welfare of personnel of all the Eastern Frontier Rifles units in the State.
- (3) The duties of the head of the Eastern Frontier Rifles Battalions, the Inspector General of Police, the Deputy Inspector General, the Commandant, Deputy Commandants, Assistant Commandants, *Subedar Major* of the Service and the Headquarters Companies shall be as prescribed by the Director General of Police with the consent of the State Govt. from time to time.
- 4) Provided that any of the powers, functions, duties, responsibilities, or authority exercisable or to be performed or discharged by the Deputy Inspector General of Police/Inspector General of Police or the Additional Director General of Police shall be exercised, performed or discharged subject to the control of the Director General /Inspector General.

5.4 Rotation between Battalions and Armed Reserves and recruitment:-

There shall be no rotation of the personnel of the Eastern Frontier Rifles, appointed under the provisions of this Chapter, with District Armed Reserves and Armed Police Battalions or the Civil Police Service except in the rank of Assistant Commandant and other superior ranks.

5.5 In this Chapter, unless the context otherwise requires:

- (1) "*active service*" means service at outposts or against anti national elements, terrorists and militants or other persons in the field.

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- (2) "Commandant" "Deputy Commandant" or "Assistant Commandant" means a person appointed by the State Government to be a Commandant or an Assistant Commandant of the Eastern Frontier Rifles, hereinafter referred to as the battalion.
- (3) "Riflemen" means a police officer appointed under the Police Act, 2007, who has signed the statement in the Schedule to this Act in accordance with the provisions of this Act,
- (4) "Superior officer" means, in relation to any rifleman,-
- i. any officer of a higher class than, or of a higher grade in the same class as himself, and
 - ii. any Assistant Commandant, Deputy Commandant or Commandant;
 - iii. any Deputy Inspector General of Police and officers of senior rank
- (5) the expressions "reasons to believe", "criminal force", "assault", "fraudulently" and "voluntarily causing hurt" have the meanings assigned to them respectively in the Indian Penal Code.

5.6 Oath or affirmation on first appointment;-

Every member of the Eastern Frontier Rifle on first appointment shall make and subscribe on oath or affirmation in the form set out in Schedule II to this Act before the Commandant of the Battalion.

5.7 Certificate of appointment :-

(1) Every non-Gazetted personnel of the Eastern Frontier Rifles on first appointment shall be issued a certificate of appointment and a distinctive enrolment number which shall run serially and shall be his personnel number during the period of his service in the Eastern Frontier Rifle, irrespective of his transfer to a different Battalion of the Eastern Frontier Rifles.

(2) The certificate of appointment shall be deemed as withdrawn and shall be surrendered in case the concerned personnel ceases to be a member of the Eastern Frontier Rifles or undergoes any sentence of imprisonment for violation of the provisions provided in this chapter.

5.8 There may be all or any of the following classes of riflemen, who shall take rank in the order mentioned namely:-

- I. Subedar Major
- II. Subedars
- III. Naib Subedar
- IV. Havildars Major
- V. Havildars
- VI. Naiks
- VII. Lance Naik
- VIII. Buglers and sipahis.

and such grades in each class as to State Government may from time to time, direct.

5.9 Training :-

(1) All members of the Eastern Frontier Rifles on initial recruitment shall undergo induction training in batches at such locations as will be notified by the Director General of Police. The period of training and syllabus of the training shall be as prescribed from time to time by the Director General of Police, West Bengal.

(2) All ranks in the Eastern Frontier Rifles Battalion shall undergo annual refresher training programmes by rotation and such specialized training as may be needed by different categories, determined, by general or special order of the Director-General.

(3) Each Battalion will have one full Company earmarked as the "Training Reserve", to provide for rotational training to all personnel.

(4) The content and methodology of the annual refresher training courses as well as the other specialized courses for the personnel of the Eastern Frontier Rifle Battalion shall be such as prescribed and shall be reviewed and revised from time to time on the recommendations of the Director General of Police, subject to general directions of the State Government.

5.10. A rifleman who –

(a) begins, excites, causes or joins in any mutiny or being present at any mutiny or sedition, does not use his utmost endeavors to suppress it, or knowing or having reason to believe in

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the existence, of any mutiny or sedition, does not without delay give information thereof to his Commanding Officer or other superior officer; or

(b) uses, or attempts to use, criminal force to, or commits an assault on, his superior officer, knowing or having reason to believe him to be such whether on or off duty; or

(c) shamefully abandons or delivers up any Camp, post or guard which is committed to his charge or which it is his duty to defend, or

(d) shamefully casts away his arms or his ammunition, or intentionally uses words or any other means to induce any other rifleman to abstain from acting against the criminal, anti national element, terrorist or person in arms against the state, or any such person, or to discourage such officer from acting against the criminal, anti national element, terrorist or person in arms against the state or such person or who otherwise misbehaves ; or

(e) directly or indirectly holds correspondence with, or communicates intelligence to, or assists, or relieves, any anti national element or person in arms against the State, or omits to discover immediately to his Commanding Officer or other superior officer any such correspondence or communications coming to his knowledge, or

(f) disobeys the lawful command of his superior officer; or

(g) deserts or attempts to desert the service; or

(h) being a sentry, sleeps at his post, or quits it without being regularly relieved or without leaves; or

(i) without authority leaves his commanding officer, or his post or party, to go in search of plunder; or

(j) Quits his guard, picquet, party or patrol without leaves; or

(k) uses criminal force to, or commits an assault on any person bringing provisions or other necessaries to camp or quarters, or forces a safeguard, or without authority breaks into any house or any other place for plunder or plunders, destroys or damages any property of any kind; or

(l) intentionally causes or spreads a false alarm in action camp, garrison or quarters; or

(m) is in a state of intoxication when on or detailed for any duty or on parade, or on the line of march; or

(n) strikes, or forces or attempts to force, any sentry; or

(o) being in command of a guard, picquet or patrol, refuses to receive any prisoner duly committed to his charge, or whether in such command or not, release any prisoner without proper authority or negligently suffers any prisoner to escape; or

(p) being in command of a guard, picquet or patrol permits gambling or other behavior prejudicial to good order and discipline; or

(q) being under arrest or in confinement, leaves his arrest or confinement before he is set at liberty by proper authority; or

(r) is grossly insubordinate or insolent to his superior officer in the execution of his office; or

(s) refuses to superintend or assist in the making of any field work or other work of any description ordered to be made either in quarters or in the field; or

(t) strikes or otherwise ill-uses any riflemen subordinate to him in rank or position; or

(u) being in command at any post or on the march and receiving a complaint that any one under his command has beaten or otherwise maltreated or oppressed any person, or has committed any riot or trespass, fails, on proof of the truth of the complaint, to have due reparation made as far as possible to the proper authority; or

(v) designedly or through neglect injures or loses or fraudulently or without due authority disposes of his arms, clothes, tools, equipment, ammunition, accoutrements or other necessaries, or any such articles entrusted to him or belonging to any other person, or

(w) malingers, feigns or produces disease or infirmity in himself, or intentionally delays his cure or aggravates his disease or infirmity; or

(x) with intent to render himself or any other person unfit for service, voluntarily causes hurt to himself or any other person; or

(y) neglects to obey any battalion or other orders, or commits any act or omission prejudicial to good order and discipline, such act or omission not constituting an offence under the Indian Penal Code or any other Act in Force in the State

shall be punished with imprisonment which may extend to Six Months to which a fine not exceeding five thousand rupees may be added or with a fine not exceeding five thousand rupees.

5.11. (1) A Commandant, or subject to the control of the Commandant, a Deputy Commandant or an Assistant Commandant, may without a formal trial, award to any rifleman who is subject to his authority, any of the following punishment for the commission of petty offence against discipline, which is not otherwise provided for in this Act, or which is not of a sufficiently serious nature to call for a prosecution before a Criminal Court, that is to say -

- (a) confinement to the extent of seven days in the quarter guard or such other place as may be considered suitable, with forfeitures of pay and allowances during its continuance;
 - (b) Punishment drill, extra guard, fatigues or other duty, not exceeding thirty days in duration, with or without confinement to lines;
 - (c) forfeiture of pay and allowance for a period not exceeding one month.
- (2) Any of these punishment may be awarded separately or in combination with any one or more of the others.

5.12 An officer not below the rank of Subedar, commanding a separate detachment or outpost/camp, may without a formal trial award to a sepahi or bugler, the punishments of Extra Guard, punishment Drill, fatigue or other duty not exceeding seven days for the commission of petty offences against discipline.

5.13. Any rifleman sentenced under this Act to imprisonment shall, when he is also dismissed from the Police force, be imprisoned in the nearest or such other jail as the State Government may, by general or special order, direct, but when he is not also dismissed from that force, he may, if the convicting court so directs, be confined in the quarter guard or such other place as the Court may consider suitable.

5.14. The Commandant or Assistant Commandant shall have the powers of a Magistrate of any class for the purpose of inquiring into or trying any offence committed by a rifleman and punishable under this Chapter, and any offence committed by a rifleman against the person or property of another rifleman and punishable under any section of the Indian Penal Code or of any other Act in force in the State.

5.15 A Commandant or Assistant Commandant shall be entitled to all the privileges which a police officer has under Section 125, of the Indian Evidence Act, 1872 and under any other enactment for the time being in force; and shall subject to such rules as the State Government may from time to time make in this behalf, exercise all the powers of a District Superintendent of Police with the meaning of this Act.

5.16 Power of the Director - General to issue Standing Orders :-

The Director General of Police may issue special or general Standing Orders from time to time in consonance with the Act and Rules if any framed there-under, to better achieve the objects of this Chapter.

5.17 Powers of Addl. Director General of Police, Inspector General, Deputy Inspector General, District Superintendent of Police and Commandant to issue standing instructions :-The Addl. Director General of Police, Inspector General, Deputy Inspector General-in-charge of Eastern Frontier Rifles and Commandant of the Eastern Frontier Battalion may issue Standing Instructions, from time to time, in respect of any subject matter of this Chapter in respect of the Battalion under their control, pursuant to Standing Orders of the Director General.

5.18 Deployment:-

- (1) The deployment of the Eastern Frontier Rifle Battalions shall be strictly restricted only to those situations where such deployment is considered absolutely necessary.
- (2) The deployment of the Eastern Frontier Rifles for performing law and order duty shall ordinarily be in Platoon strength. Only when large- scale deployments have to be made, covering a wide area, the Eastern Frontier Rifles can be utilized in the strength of a Sections.

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

(3) It shall be the duty of the head of the Armed Police Organization for 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 of a Battalion and between Battalion and District Reserve.

5.19 Arms, Equipment mobility, communications etc:-

(1) The armament of the Eastern Frontier Rifle Battalions shall be as fixed by the orders of the Government in an Equipment Table. All items shown in the Equipment Table shall be obtained in the manner prescribed. Distribution of arms to Battalion will be fixed on the order of the Director-General of Police, who by means of Standing Order shall lay down the procedures to be followed for custody and care of arms,ammunition stock of material for the repairs and maintenance, and manner in which damaged and unserviceable weapons are to be disposed off and the procedure in case of loss of any weapon or ammunition.

(2) The adequacy of arms, equipment mobility, and communications etc for each Battalion shall be assessed regularly on an annual basis by the officer heading the State Armed Police Organization in consultation with the Commandants.

5.20 Encroachments on EFR Land: (1) When, as a result of the periodical

inspection of the Land and Buildings, the Commandant of the Eastern Frontier Rifle Battalion or the officer authorised by the Commandant in this behalf is satisfied that any unauthorised occupation has taken place on the Land of the Eastern Frontier Rifles or buildings located in such land, the Commandant or the officer so authorised shall serve a notice in a prescribed form on the person causing or responsible for such unauthorised occupation requiring him to remove such unauthorised occupation and to restore such land in its original condition as before the unauthorised occupation within the period specified in the notice.

- (2) The notice under sub-section (1) shall specify therein the land in respect of which such notice is issued, the period within which the unauthorised occupation on such land is required to be removed, the place and time of hearing any representation, if any, which the person to whom the notice is addressed may make within the time specified in the notice and that failure to comply with such notice shall render the person specified in the notice liable to penalty, and summary eviction from the Eastern Frontier Rifle land in respect of which such notice is issued, under sub-section (5).
- (3) The service of the notice under sub-section (1) shall be made by delivering a copy thereof to the person to whom such notice is addressed or to his agent or other person on his behalf or by registered post addressed to the person to whom such notice is addressed and an acknowledgment purporting to be signed by such person or his agent or other person on his behalf or an endorsement by a postal employee that such person or his agent or such others person on his behalf has refused to take delivery may be deemed to be *prima facie* proof of service.
- (4) Where the service of the notice is not made in the manner provided under sub-section (3), the contents of the notice shall be advertised in a local newspaper for the knowledge of the person to whom the notice is addressed and such advertisement shall be deemed to be the service of such notice on such person.
- (5) Where the service of notice under sub-section (1) has been made under sub-section (3) or sub-section (4) and the unauthorised occupation on the Eastern Frontier land in respect of which such notice is served has not been removed within the time specified in the notice for such purpose and no reasonable cause has been

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shown before the Commandant, Eastern Frontier Rifles or the officer authorised by such Commandant in this behalf for not so removing unauthorised occupation, the Commandant, Eastern Frontier Rifles or such officer, as the case may be, shall cause such unauthorised occupation to be removed at the expenses of the State Government, as the case may be, and impose penalty on the person to whom the notice is addressed which shall be five hundred rupees per square metre of the land so unauthorisedly occupied and where the penalty so imposed is less than the cost of such land, the penalty may be extended equal to such cost.

- (6) Notwithstanding anything contained in this section, the Commandant, Eastern Frontier Rifles or the officer authorised by such Administration in this behalf shall have power without issuing any notice under this section to remove the unauthorised occupation on the Eastern Frontier Land, if such unauthorised occupation is in the nature of—
- (a) exposing any goods or article—
 - (i) in open air; or
 - (ii) through temporary stall, kiosk booth or any other shop of temporary nature,
 - (b) construction or erection, whether temporary or permanent, or
 - (c) trespass or other unauthorised occupation which can be removed easily without use of any machine or other device, and in removing such occupation, the Commandant, Eastern Frontier Rifles or such officer may take assistance of the local police, if necessary, to remove such occupation by use of the reasonable force necessary for such removal.

(7) Notwithstanding anything contained in this section, if the Commandant, Eastern Frontier Rifles or the officer authorised by such Administration in this behalf is of the opinion that any unauthorised occupation on the Eastern Frontier Land is of such a nature that the immediate removal of which is necessary in the interest of—

- (a) the safety and security of the personnel of the Battalion;
- (b) the safety and security of the Government property belonging to the Battalion; or
- (c) the safety of any structure belonging and located in any part of the Eastern Frontier Land;

and no notice can be served on the person responsible for such unauthorised occupation under this section without undue delay owing to his absence or for any other reason, the Commandant of the Eastern Frontier Rifles or the officer authorised by such Administration may make such construction including alteration of any construction as may be feasible at the prescribed cost necessary for the safety referred to in clause (a), (b) or clause (c) or have such unauthorised occupation removed in the manner specified in sub-section (5),

- (8) The Commandant of the Eastern Frontier Rifles Battalion, or an officer authorised by such Administration in this behalf shall, for the purposes of this section, have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 (5 of 1908), while trying a suit, in respect of the following matters, namely:—
- (a) summoning and enforcing the attendance of any person and examining him on oath;
 - (b) requiring the discovery and production of documents;
 - (c) issuing commissions for the examination of witnesses; and
 - (d) any other matter which may be prescribed,

and any proceeding before such Administration or officer shall be deemed to be a judicial proceeding within the meaning of section 193 and section 228, and for the purpose of section 196, of the Indian Penal Code (45 of 1860) and the Administration or the officer shall be deemed to be a Civil Court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 (2 of 1974).

(9) Recovery of cost of removal of unauthorised occupation and fine imposed. —

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- (1) Where a Commandant, Eastern Frontier Rifles or the officer authorised by such Administration in this behalf has removed any unauthorised occupation or made any construction including alteration of construction in respect of any unauthorised occupation or repaired any damage, the expenditure incurred in such removal or repair together with fifteen per cent, of additional charges or any fine imposed under this Act shall be recoverable in the manner hereinafter provided in this section.
- (2) The Commandant, Eastern Frontier Rifles or the officer authorised in this behalf by such Administration shall serve a copy of the bill in the prescribed form indicating therein the expenditure, additional charges or fine recoverable under sub-section (1) on the person from whom such expenditure, additional charges or fine is recoverable and the provisions of section 26 relating to the service of notice shall apply for the service of copy of the bill under this subsection as if for the word "notice" the word "bill" has been substituted in the section.
- (3) A copy of the bill referred to in sub-section (2) shall be accompanied with a certificate issued by the Commandant, Eastern Frontier Rifles or the officer authorised by such Administration in this behalf and the amount indicated in the bill shall be the conclusive proof that such amount is the expenditure actually incurred for all or any of the purposes referred to in sub-section (1) as indicated in the bill.
- (4) Where Commandant, Eastern Frontier Rifles or the officer authorised in this behalf by such Administration has removed any unauthorised occupation or made any construction including alteration of construction in respect of any unauthorised occupation or repaired any damage, the material, if any, recovered as a result of such removal, construction, alteration or repair shall be retained in possession of the Commandant, Eastern Frontier Rifles or such officer till the payment of the bill in respect thereof served under sub-section (2) and on payment of such bill such material shall be returned to the person entitled for the material, but in case of the failure of such payment within the time specified for the payment in the bill, the material may be sold by auction by the Commandant, Eastern Frontier Rifles or such officer and after deduction of the amount payable under the bill from the proceeds of the auction, the balance, if any, shall be returned to the person entitled therefore.
- (5) In case where the proceeds of the auction under sub-section (4) is less than the amount recoverable under the bill referred to in that sub-section, the difference between such proceeds and the amount so recoverable or where no such auction has been made, the amount recoverable under the bill shall, in case of failure of the payment within the time specified in the bill, be recoverable as the arrears of land revenue.

CHAPTER - VI

Administration and Superintendence

6.1 Administration of Police: -

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

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

(3) Administration means the management of the police service subject to law, rules and regulations; and will include framing of orders and instructions supervising the functioning of the police service at all levels; recruitment, postings transfer and promotion among non-Gazetted ranks of the Police Service, deployment of the police; disciplinary action in the case of non-Gazetted Police officers, and advising the Government on the placement of officers of the rank of Assistant /Deputy Superintendent of Police and above.

× Provided that the State Government may intervene in the exercise of the administrative powers by the Director General or any other competent police authority only in accordance with the prescribed rules, or in exceptional situations involving urgent public interest, reasons which should be recorded in writing, and all such cases shall be brought before the State Police Board in its next meeting

6.2 Powers and Responsibilities of the Director General :-

(1) As Head of the State Police, it shall be the responsibility of the Director - General to:

(i) Advise the Govt. and the State Police Board in all matters of policing

(ii) Implement the policies, the strategic Policing Plan and the annual policing sub plans laid down by the State Government *in consultation with the State Police Board.*

(iii) Administer and supervise the police service to ensure its efficiency, effectiveness, responsiveness and accountability.

(iv) Issue directions irrespective of any general executive instructions to contrary but subject to the provisions of this Act and Rules made thereunder, for recruitment of constabulary and Non-Gazetted Officers to fill in existing and anticipated vacancies in accordance with the sanctioned strength, as per provisions of the Recruitment Rules.

6.3 Superintendence of State 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.

(2) For this purpose, the superintendence of the police service throughout the State shall vest in and be exercised by the State Government in accordance with the provisions of this Act.

(3) The State Government shall exercise its superintendence over the police service in such manner and to such extent so as to promote the professional efficiency of the police and to ensure that the police performance is at all times in accordance with the law. For this purpose, the State Government shall lay down policies and guidelines, setting standards for quality policing, facilitate their implementation and ensuring that the police force performs its duties in a professional manner with functional autonomy.

6.4 State Policing Plan, Objectives of Policing and Priorities

(1) The State Government shall, on the basis of a report of the Director General in this behalf and in accordance with the recommendations of the State Police Board finalize a strategic Policing Plan with annual Sub-Plans covering a five year period, in such a way that successive Plans overlap for the last year of the previous plan and first year of the succeeding plan.

Provided that the Director General, in making his report, shall be guided by reports of the District and State Units, duly identifying the objectives of policing sought to be achieved during the period and the action plan proposed for their implementation.

(2) The State Government shall lay a copy of this Plan before the State Legislature as soon as it is finalized.

(3) The State Government at the beginning of each financial year shall also place a progress report on the implementation of the strategic Policing Plan as well as the annual Sub-plan for the preceding year.

6.5 Mechanism for performance evaluation of the police

(1) The State Government shall evolve and put in place a systematic mechanism for the evaluation of performance of Police Service in the State as a whole and also district wise as per the provisions contained in this Act.

(2) Without affecting the generality of these provision, the Director-General of Police shall issue Standing Orders for the purpose of ensuring :-

(i) Inspections at least once a year by the Range Deputy Inspector General of all the Districts in each Range; and

(ii) Inspection at least twice a year by a Gazetted officer, including one by the Superintendent or the Additional Supdt. of Police personally, of each Police Station and Post in every District. The Standing Order shall inter-alia, specify the format of the Inspection, the Methodology and the content and shall endeavor to make the inspection an effective instrument for performance evaluation.

6.6 State Police Board:-

The State Government shall establish a State Police Board to facilitate the laying down of policies, evaluate performance and ensure the functional autonomy of State Police Service subject to the provisions of law. The State Police Board shall function in the manner provided in this Act. The Board shall meet as often as deemed necessary, but at least once in three months.

6.7 Composition of the Board:-

(1) The State Police Board shall have as its members:

(a) The Chief Minister or the Minister in charge of the Police who shall also be its ex-officio Chairperson,

(b) The Leader of Opposition in the State Assembly

© The Director General of Police shall be its ex-officio Member- Secretary.

(d) The Chief Secretary

(e) Principal Secretary Home to the State Govt.;

(f) Three non-political persons of proven reputation for integrity and competence (hereinafter called ' Independent Members"') one of whom shall be retired Police Officer of the rank of Director General of Police.

(2) No serving government employee shall be appointed as an Independent Member.

(3) Any vacancy in the state Police Board shall be filled up as soon as practicable, but not later than three months after the seat has fallen vacant.

(2) The State Govt. will make suitable rules regarding the procedure for nomination of the two Independent Members through a transparent process.

6.8 Grounds of ineligibility for Independent Members

(1) No person shall be appointed as an Independent Member of the State Police Board and an appointee shall be deemed to have vacated the position if he:-

(i) Is not a citizen of India.

(ii) Has a Charge sheet filed against him in Court of law in a Criminal case.

(iii) Has been dismissed or removed from service under any State or Central Government or Government Organizations or compulsorily retired on the grounds of corruption or misconduct;

- (iv) Holds Public office, including that of Member of Parliament or State Legislature, or is an office-bearer of any political party or any organization connected with a political party; or
(v) Is of unsound mind.

6.9 Term of Office and remuneration of Independent Members

The term of office of an Independent Member of the Board shall be for a period of three years. The same person shall not be appointed for one more than two consecutive terms.

6.10 Functions of the State Police Board:-

Functions of the State Police Board

The State Police Board 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 officers for the rank of Director General of Police against prescribed criteria with the provisions 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
(e) in accordance with the provisions of Chapter XIV, review and evaluate organisational performance of the Police Service in the state as a whole as well as district-wise against (i) the Annual Plan, (ii) performance indicators as identified and laid down, and (iii) resources available with and constraints of the police.

6.11. Expenses of the State Police Board

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

6.12. Annual report of the State Police Board

- (1) The Board shall, at the end of each 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 for in Chapter XIII.
(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.

6.13 Transaction of Business by the Board:-

- (1) Notice for meetings of the Board shall be issued by the Member Secretary at least 15 days before each meeting. Members wishing to raise an item shall send notice so as to reach the Member Secretary at least 7 days in advance and items shall be taken up with the approval of the Chairman of the Board.
(2) All meetings shall be held in KOLKATA unless the Board decides otherwise. A record of proceedings of the Board shall be maintained by the Member - Secretary who shall cause them to be circulated within 15 days of each meeting.
(3) The quorum for a meeting of the Board shall be one-third of the total membership of the Board. In the absence of a quorum, the meeting of the Board shall be adjourned to the same time on the next working day and no quorum shall be required for such adjourned meeting.
(4) The Board may devise its own procedure for transaction of business in accordance with provisions of this Act.

6.14 Police Establishment Committees.

- (1) There shall be a State Police Establishment Committee headed by the Director General of Police with three senior-most Additional Directors General of Police as members and the Deputy Inspector General of Police (Headquarters) as the convenor;
(2) The Committee shall be responsible for:-

(i) Approving all posting, transfers of officers of such ranks as will be notified by the Director General of Police, West Bengal, with approval of the State Govt. between the various wings of the police organization, and deputation outside the organisation and for inter-range transfers in all the wings.

(ii) To make appropriate recommendations to the State Government regarding posting and transfer of all officers of and above the rank of Additional Supdt. of Police. The State Govt. shall give due weight to these recommendations and shall normally accept them.

(iii) The Police Establishment Committee shall also function as a forum of appeal for disposing of representations from police officers of all ranks regarding their promotion/transfer and would have powers of generally reviewing the functioning of the police in the state; provided that representations in respect of promotion/transfer of Police Officers of the rank of Additional Supdt. Of Police and above shall be forwarded to the State Govt. with appropriate recommendations of the Police Establishment Board and the State Govt. will give due weight to such recommendation.

6.15 Police Gazette:-

The Director General shall cause to be published each month a Police Gazette containing Departmental Orders, notifications and circulars of general interest for circulation within the Police Organisation; and may publish appropriate portions of the publication on the Police Department website.

6.16 Financial Management

(1). The Director General 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 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 demand of the District,

(4) The budgetary allocation 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.

6.17 Power of State Govt. to frame Rules:

The State Government may make rules for the purpose of carrying into effect the provisions of this Chapter.

6.18 Powers of the Director-General to issue Standing Orders:

The Director - General may issue special or general Standing Orders from time to time in consonance with the Act and Rules if any framed hereunder to better achieve the objects of this chapter.

6.19 Power of Zonal Inspector General, Range Deputy Inspector General and District Superintendent of Police to issue Standing Instructions :

The Zonal Inspector General, Range Deputy Inspector General and District Superintendent of Police may issue Standing Instructions from time to time in respect of any subject matter of this Chapter, pursuant to Standing Orders of the Director - General. Of Police.

Chapter-VII
ROLE, FUNCTIONS, DUTIES & RESPONSIBILITIES OF THE POLICE

Role & Functions:

7.1 The role and functions of the Police:

Subject to the assignment of Specific duties on units or individual members of the State Police by general or special orders, the general role and functions of the Police Service shall be to:-

- (1) Act as upholders of the law and to protect life, liberty, property and human rights of the members of the public; and develop and maintain a feeling of security in the community.
- (2) Promote and preserve public order and prevent nuisance in public places.
- (3) Protect internal security and prevent and control terrorist activity, riots, insurgencies, industrial or other strikes, breaches of communal harmony, extremist violence, militant activities and other situations affecting internal security;
- (4) Protect public properties including roads, railways, bridges, vital installations and establishments etc. against acts of violence or sabotage
- (5) Prevent crimes and reduce the opportunities for the commission of crimes through preventive action, intelligence gathering and community participation.
- (6) Investigate all crimes impartially and professionally using scientific methods, and to apprehend the offenders;
- (7) Assist in the prosecution of offenders by ensuring thorough investigation and proper presentation in a Court of Law.
- (8) Provide, as first responders, all possible help and succour 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;
- (9) Aid individuals who are in danger of physical harm to person or property, and to provide necessary services and afford relief to people in distress situations;
- (10) Facilitate orderly movement of people in public places insure their general safety and security and regulate fairs and processions for the purpose.
- (11) Control and regulate traffic on streets, roads and highways; and generally in public places and prevent obstruction.
- (12) Collect intelligence relating to matters affecting public peace, crimes including social and economic offences and organized crime, communalism, extremism, terrorism and other matters relating to national security, and take all necessary action to maintain the public peace and prevent crime.
- (13) Provide guards in accordance with Standing Orders in this behalf, for treasuries, lock-up and other locations as sanctioned by the Govt. from time to time.
- (14) Provide escorts over prisoners or for valuables in accordance with Standing Orders issued by the Director - General of Police from time to time.
- (15) Perform such other functions as may be required in accordance with this Act and any other law for the time being in force.

7.2. Social Responsibilities of Police:

(1) Every police officer shall:-

- (i) behave with the members of the public with due courtesy and decorum, particularly in dealing with women and children;
- (ii) guide and assist members of the public particularly women, children, the poor and indigent and the physically or mentally challenged individuals who may need help and protection;
- (iii) prevent harassment of women and children in public places and public transport,

(iv) 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;

(v) arrange for legally permissible sustenance and shelter to every person in custody and making known to all persons in custody provisions of legal aid Schemes being enforced in the State and also inform the authority concerned to provide such aid;

(vi) provide all requisite assistance to victims of crime and of road and other accidents and in particular ensure that they are given prompt medical aid, at the nearest facility equipped for the purpose;

(vii) assist victims of Crime, road and other accidents or their next of kin with such information and documents as would facilitate their compensation claims or any other legal requirements;

(viii) display a responsive attitude to Victims of Crime or their next of kin during investigation, of the offence and prosecution of the offenders.

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

7.3 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 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.

7.4 Duties of the Police Service :-

(1) The primary responsibility for the discharge of role and functions of the police under this Act, shall, unless specified otherwise, be with the Police of the District concerned, headed by the District Superintendent Police.

Provided that the Government may by General order, create or designate Special Units at District or Police stations level for investigation, Traffic, Intelligence, Law and order etc and in such a case the responsibility for discharge of the function specified in the order will be with such Unit.

(2) It shall be the duty of every Police officer posted to the District Police, and any unit therein, and of every Police officer posted to a State Unit, to discharge the role and functions assigned to the best of his ability by the proper exercise of powers conferred upon him under this Act or any other Law for the time being in force.

7.5 Superior Police Officer may himself perform duties of a Subordinate officer

A police officer of a rank superior to that of a constable may perform any duty assigned by law or by a lawful order to any officer subordinate to him, and in the case of any duty imposed on such subordinate, a superior may aid, supplement, supersede or prevent any action of such 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.

7.6 All persons bound to comply with the reasonable directions of police officer

All persons shall be bound to comply with the reasonable and lawful directions given by a police officer in the discharge of his duties under this Act. Where any person resists, refuses or fails to comply with any such direction, a police officer may, without prejudice to any other action he may take under any other provision of this Act or any other law for the time being in force, remove such person or arrest and produce him before the nearest Magistrate within a period of twenty four hours.

7.7 Police to be associated in planning

While planning for any major developmental activity including development of new colonies, in any area notified, the concerned agency shall consult the Commr. Of Police /Supdt. 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 finalising the plan.

7.8 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.

7.9 Conduct prohibited for Police officers :-

- (1) No Police officer shall withdraw himself from duties of his office unless expressly allowed to do by an officer authorized by the State Government.
- (2) No Police officer shall resign his office unless he has given notice in writing to his Superior officer of not less than one month.
- (3) No police officer shall engage in any other employment or office unless expressly permitted to do so in writing by the Director General of Police or an officer authorized by him.

POWERS OF POLICE IN-RELATION TO UNCLAIMED PROPERTY

7.10. (1) It shall be the duty of every police officer to take temporary charge—

- (a) of all unclaimed property found by, or made over to him; and
 - (b) of all property found lying in any public street, if the owner or person in charge of such property, on being directed to remove the same, refuses or fails to do so.
- (2) The police officer taking charge of the property under sub-section (1) shall furnish an inventory thereof to the Commissioner or Superintendent of Police as the case may be.

7.11. (1) Where any property has been taken charge of under the provisions of the above section, the Commissioner or Superintendent of Police, as the case may be, shall issue a proclamation specifying the articles of which such property ;consists and requiring that any person who may have a claim thereto shall appear before him or some other officer whom he authorizes in his behalf and establish his claim within six months from the date of such proclamation.

(2) If the property, or any part thereof, is subject to speedy and natural decay or consists of livestock or if the property appears to be of the value of less than one hundred rupees, it may forthwith be sold by auction under the ;orders of the Commissioner or Superintendent of Police, as the case may be, and the net proceeds of such sale shall be dealt with in the same manner as is hereinafter provided for the disposal of the said property.

(3) Where any person who has a claim to the property is required by the proclamation, under sub-section (1) to appear before the other officer authorized by the Commissioner or Superintendent of Police in that behalf and establish his claim, such officer shall forward the record of the proceeding before him with his findings thereon to the Commissioner or Superintendent of Police, as the case may be.

7.12. (1) The Commissioner or Superintendent of Police in areas under their respective charges on being satisfied of the title of any claimant to the possession or administration of the property specified in the proclamation issued under sub-section (1) of section 6.19 order the same to be delivered to him, after deduction or payment of the expenses incurred in the seizure and detention thereof.

(2) The Commissioner or Superintendent of Police, as the case may be, may at his discretion, before making any order under sub-section (1), take such security as he may think proper

from the person to whom the said property is to be delivered and nothing hereinbefore contained shall affect the right of any person to recover the whole or any part of the same from the person to whom it may have been delivered pursuant to such order.

7.13. (1) If no person established his claim to such property within the period specified in the proclamation, the property, or such part thereof as has not already been sold under sub-section (2) of section 85, shall be at the disposal of the State Government and such property may be sold by auction under the orders of the Commissioner or Superintendent of Police as the case may be, and the proceeds thereof shall be credited to the Government.

(2) If any claim is made to any proceeds credited under sub-section (1) to the Government and if such claim is established, whether wholly or to any extent, to the satisfaction of the prescribed authority, the Government shall pay to the claimant the amount determined in that behalf by the prescribed authority.

(3) The form and manner in which claims may be made under sub-section (2) and the procedure for dealing with such claims and all other matters connected therewith shall be such as may be prescribed.

Chapter - VIII Policing in Rural Areas

8.1 Police Services in rural areas: -

(1) 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 Constable, Head Constable or an Assistant Sub -Inspector (called Beat officer) for maintaining regular and close contact with the villages under his charge.

(2) The officer in charge of each Police Station shall ensure that every village in his jurisdiction is covered by the beat officer in the manner prescribed by the Superintendent of Police of the District by a general or special order.

(3) The State Government shall by notification, designate or appoint a Village Guard for each village, cluster of villages or a beat and shall assign him such duties responsibility and function from time to time as may be required for the prevention of Crime and maintenance of Law and order as in the public interest.

8.2 Duties and Responsibilities of the Beat Officer :-

(1) The duties and responsibilities of the Beat officer shall, in respect of his Beat be to :-

(i) maintain liaison with community elders, members of the Panchayat residing in that village, local officials such as Patwari, Forest Guard and Chowkidar of the Panchayat, and residents of each village under his charge, and to review, during every visit, the crime prevention measures in the village.

(ii) collect information relating to crimes and criminals and activities of subversive, militant and anti-social elements, if any, in the village and communicate the same to the officer in charge of the Police Station.

(iii) maintain watch over history-sheeted criminals and bad characters, if any, and others with criminal record.

(iv) acquaint himself with local disputes having potential for violence or with caste/communal overtones, and inform the officer in charge of the Police Station with all available details.

(v) carry out any other policing task in respect of the village assigned by the District Superintendent of Police or the officer in charge of the Police Station through a general or special order.

(vi) record any public grievances and complaints in relation to policing and inform the officer in charge of the Police Station promptly; and

(vii) 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 each month.

8.3 Village visits by officer in charge and supervisory police officers

(1) The officer in charge of the Police Station shall cause to be maintained a village Register, as prescribed by the State Government, entering there in major crimes, incidents or potential for crime, based, inter alia on the monthly report of the Beat officer, and classify villages as 'Sensitive' or 'Non- Sensitive' Villages.

(2) The officer in charge of a Police Station shall visit every village under his jurisdiction, in the manner specified by the Superintendent of Police through a general or special order. While doing so he shall visit villages which are recorded as 'sensitive' in the village Register as a first priority.

(3) All supervisory officers including the Superintendent of Police shall visit as many villages in their jurisdiction as possible giving priority to sensitive villages. The purpose of such visits shall be to review the general state of crime, law and order situation and the activities, if any, of violent and militant individuals or group in the area and to generally acquaint themselves with the goings-on in the village having a bearing on crime, law and order or other policing tasks and to interact with as many local residents as possible so as to assess the level of public satisfaction with police service.

(4) The Officer -in-charge or other Supervisory Officers while making such village visits may bring to the notice of the civil administration the condition of roads, electricity etc which have a direct impact on the quality of policing in the area, through the District Magistrate and the civil departments concerned will give due weightage to such proposals while formulating village development schemes.

Village Police System

8.4 Enlistment of Village Guard and Selection Criteria

Each village in the district shall have at least one Village Guard, enlisted by the District Superintendent of Police from amongst able-bodied persons of either gender, between the age of 21 and 60 years and with unimpeachable character and antecedents, who are permanent residents of that village, possessing the ability to read and write in the local language, who have not been convicted by a court of law or have not had charges framed against them 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, and who are not active members of any political party, or organization, allied to a political party or a militant outfit.

8.5. A person enlisted as a Village Guard will normally have a tenure of three years, which may be renewed, upon satisfactory performance. No renewal shall, however, be granted to a person after he crosses the age of sixty years or who has served for three consecutive terms or who incurs any other condition of ineligibility specified in this Chapter.

8.6 A Village Guard shall be removed from the assignment at any time during the currency of his enlistment, if he incurs any condition of ineligibility stipulated in -this Chapter.

8.7. The Village Guard shall be a public servant as defined in the Indian Penal Code, 1860.

8.8. The Superintendent of Police shall ensure that every person, on his induction as a Village Guard, is administered a training course of a duration and as per the syllabus, prescribed by the Director General of Police. Periodical refresher training shall also be organised for those who are re-enlisted as Village Guards, for each renewed term.

8.9. Every person enlisted as a Village Guard shall take an oath or affirmation, as prescribed, before the officer-in-charge of the Police Station concerned.

8.10. Each Village Guard will be provided with an Identification Badge and a reasonable monthly honorarium and due out-of-pocket expenses, as prescribed by the District Superintendent of Police. The honorarium so fixed shall not be less than that paid to a Home Guard in the state.

8.11. Any person who for any reason ceases to be a Village Guard shall forthwith deliver up to the Superintendent of Police or to an officer authorised by him, his Identification Badge and all records and documents maintained by him as the Village Guard.

Duties & Responsibilities of Village Guard

8.12. The duties and responsibilities of the Village Guard shall include:

- (a) reporting the occurrence of any crime or law and order situation in the village, at the earliest, to the police and assisting the police in bringing the offenders to book;
- (b) maintaining a general vigil in the village from the point of view of crime prevention or prevention of a law and order problem, and promptly informing the police about the same;
- (c) remaining alert and sensitive to any information about any suspicious activity, movement of suspicious persons or development of any conspiracy in the village, that is likely to lead to a crime or breach of law and order, and promptly passing on such information to the police;
- (d) assisting any citizen in arresting or handing over to the Police Station any person or persons under section 43 of the Code of Criminal Procedure, 1973 along with the arms, ammunition, property or any objectionable or suspicious object, if any, seized from him, without delay.

In case the arrested person is a woman, a male Village Guard shall be accompanied by a woman;

(e) securing and preserving the scene of any crime till the arrival of the police, duly ensuring that it is not disturbed by curious onlookers or anyone else;

(f) meeting the Station House Officer of the Police Station at a minimum frequency as prescribed by the Superintendent of Police through a general or special order, to report on such activities and incidents in the village as would have a bearing on crime, law and order or other policing concerns;

(g) maintaining the prescribed records and registers;

(h) recording any public grievances or complaints in relation to policing; and

(i) liaising with the village Panchayat on matters relating to crime and law & order in the village.

(j) Perform such other duties as notified by the Director General of Police, West Bengal or the Supdt. Of Police of the concerned District with due approval of the Director General of Police, West Bengal.

8.13 Salary/allowances to Village Guards: The State Govt. will issue suitable orders regarding the allowance to be paid to a village Guard and also make suitable allocation of funds in the Police Budget for making such payments to the Village Guards.

Village Defence Parties

8.14. The Superintendent of Police may, where necessary, organise a group of local respectable persons for each village for the purpose of carrying out preventive patrolling, promoting crime reduction measures and generally assisting the police in their functioning. The group will be called the Village Defence Party and may not normally consist of more than 15 members, with provision for having more than one Village Defence Party if the size and population of the village so require. All efforts shall be made to ensure that the composition of the Party reflects the diversity of local population including adequate gender representation, where possible. It shall work in cooperation and coordination with the Village Guard.

8.15 Members will be inducted into the Village Defence Parties by the Superintendent of Police in consultation with the Community Liaison Group, from amongst able-bodied persons, and with good character and antecedents, who are permanent residents of that village, who have not been convicted by a court of law or have not had charges framed against them by a court of law in a criminal case, or dismissed, removed, discharged or compulsorily retired from any employment on grounds of moral turpitude, corruption or misconduct.

8.16. The Village Defence Party will normally be reconstituted every three years. Members may be re-nominated subject to at least one third new member being inducted every year. No renewal shall, however, be granted to a person after he crosses the age of sixty years or who incurs any other condition of ineligibility specified above. However, any vacancy may be filled up as and when it occurs.

8.17. A person may also be removed from the membership of the Village Defence Party at any time during the currency of his tenure, if he incurs any condition of ineligibility specified above.

8.18. In the event of any complaint against the Village Defence Party or its members, the Superintendent of Police will taker appropriate action, including, if necessary, removal of the concerned members.

8.19. Membership of the Village Defence Party shall be voluntary and honorary. However, to facilitate the proper functioning of the Village Defence Party, the Station House Officer shall provide its members with the required equipment of day-to-day needs as well as reasonable out-of-pocket expenses, as prescribed from time to time. The District Superintendent of

Police will make arrangements for necessary training of the members of each Village Defence Party.

8.20. The members of the Village Defence Party shall wear such an Identification Badge as issued by the District Superintendent of Police.

8.21 Any person who for any reason ceases to be a member of a Village Defence Party shall forthwith deliver, to the Superintendent of Police or to an officer authorised by him, his Identification Badge and all records and documents maintained by him as a member of the Village Defence Party.

Community Liaison Group

8.22 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 each Panchayat Samiti 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 Panchayat Samitis, shall be eligible to be inducted into the Community Liaison Group.

8.23 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 Magistrate and Sub-Divisional Police Officer as well as the officer in charge of the Police Station and the Circle Inspector. Where necessary, the meetings can be open to the public.

Chapter IX

Policing in Metropolitan Areas, Major Urban and Other Notified Areas

9.1. The State Government shall establish 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 specialisation, and legal authority coupled with accountability, in accordance with the provisions of this Chapter.

9.2. (1) *Commissioner of Police:* The Commissioner of Police in whom the administration of police is vested in such area 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.

(2) *Additional, Joint, Deputy and Assistant Commissioners of Police:*

The Government may divide the area specified in Sec 9.1 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.

(3) *Powers, functions and duties:* 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.

(4) *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.

9.3. 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.

9.4. **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;

9.5. **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.

9.6 **Regulation in Municipal Towns, Notified areas etc.**

The Commissioner or Superintendent, as the case may be, with respect any for regulating traffic & of the matters specified in this sub-section, in areas under their respective charges

or any part thereof , may by notification in the official gazette make regulations to provide for all or any of the following matters, namely-

- (a) regulating traffic of all kinds in streets and other public places , and the use of streets and other public places by persons riding, driving, cycling, walking or leading or accompanying cattle , so as to prevent danger, obstruction or inconvenience to the public;
- (b) regulating the conditions under which vehicles may remain standing in streets and other public places , and the use of streets as halting places for vehicles or cattle;
- (c) specifying the number and position of lights to be used on vehicles in streets and the hours between which such lights should be used;
- (d) licensing , controlling or prohibiting the erection, exhibiting, fixation or retention of any such device or representation for the purpose of advertisement ,which is visible against the sky from some point in any street and is hoisted or held aloft over any land, building or structure at such height as may be specified in the regulations, having regard the traffic in the vicinity, and the likelihood of such sign, device or representation at that height being a distraction , or causing obstruction, to such traffic;
- (e) specifying certain hours of the day during which cattle shall not be driven, or as the case may be, driven only in accordance with such regulations, along the streets, or along certain specific areas;
- (f) regulating the leading, drivers, conducting or conveying of any elephant or wild or dangerous animal through or in any street;
- (g) regulating and controlling the manner and mode of conveying timber, scaffold poles, ladders, iron girders, beams or bars, boilers or other unwieldy articles through the streets, and the route and hours for such conveyance;
- (h) licensing, controlling or in order to prevent obstruction, inconvenience, annoyance, risk, danger or damage to the residents or passengers in the vicinity, prohibiting the carrying in streets and public places of gun- powder or any other explosive substance;
- (i) prohibiting except along certain specified streets and during specified hours and subject to such conditions as may be specified in that behalf, the exposure or movement in any street of persons or animals suffering from contagious or infectious diseases, the carcasses of animals or parts of such carcasses or corpses of persons deceased;
- (j) licensing, controlling or in order to prevent obstruction, inconvenience, annoyance, risk, danger or damage to the residents or passengers in the vicinity, prohibiting the playing of music, the beating of drums, tom- toms or other instruments and the blowing or sounding of horns or other noisy instruments or in near streets or other public places;
- (k) regulating the conduct of or behaviour or action of persons constituting assemblies and processions on or along the streets and specifying in the case of processions, the routes by which, the order in which, and the times at which, the same may pass ;
- (l) prohibiting the hanging or placing of any cord or pole across a street or part thereof, or the making of a projection of structure so as to obstruct traffic or the free access of light and air;
- (m) prohibiting, except in accordance with such regulations, the placing of building materials or other articles or the fastening or detention of any horse or other animals in any street or public peace ;
- (n) licensing, controlling or, in order to prevent obstruction, inconvenience, annoyance, risk, danger or damage to the residents or passengers in the vicinity, prohibiting -
 - (i) the illumination of streets and public places and the exteriors of building abutting thereon by persons other than servants of Government or Corporation or other Municipal Officers duly authorized in that behalf;
 - (ii) the blasting of rock or making excavations in. or near streets or public places;
 - (iii) the using of a loudspeaker in or near any public place or in any place of public entertainment ;

- (o) closing certain streets or places' temporarily, in cases of danger from ruinous buildings or other cause, with such exceptions as shall appear reasonable;
- (p) guarding against injury to person and property in the construction, re- pair and demolition of buildings, platforms and other structures from which danger may arise to passengers, neighbours or the public;
- (q) prohibiting the setting of fire to or burning of any straw or other matter, or lighting a bonfire or wantonly discharging a fire-arm or air-gun, or letting off or throwing a fire work or, sending up a fire balloon or rocket in or upon a street or within fifty feet of a street or building or, the put- ting up of any post or other thing on the side of or across a street .for the purpose of affixing thereto lamps or other contrivances for illumination except in accordance with regulations in this behalf;
- (r) (i) licensing or controlling places or public amusement or public entertainment; .
- (ii) prohibiting the keeping of places: of public amusement or public entertainment or assembly, in order to prevent obstruction, inconvenience, annoyance, risk, danger or damage to the residents or passengers in
- (iii) regulating the means of entrance and exit at places of public amuse- men~ or public entertainment or assembly and providing for the maintenance of public order and the prevention of disturbance thereat;
- (s) (i) licensing or controlling in the interest of public order, decency or morality or in the interest of the general public (with such exceptions as may be specified in such regulations), musical, dancing, mimetic or theatrical or other performances for public amusement, including melas ;
- (ii) regulating in the interest of public order, decency or morality or in the interest of the general public, the employment of the artists and the conduct of the artists and the audience at such performance;
- (t) regulating or prohibiting the sale of any ticket or pass for admission, by what ever name called, to a place of public amusement; exempted from this section;
- (u) registration of eating houses, including granting a certificate of registration in each case, which shall be deemed to be a written permission required and obtained under this Act for keeping the eating house, and annual renewal of such registration within a specified period;
- (v) prescribing the procedure in accordance, with which any licence or per- mission sought to be obtained or required under this Act should be ,applied for and fixing the fees to be charged for any such licence or permission.
- Provided that nothing in this section and no licence or certificate or registration granted under any regulation made there under shall authorise any person to import, export, transport, manufacture, sell or possess any liquor, or intoxicating drug, in respect of which a licence, permit pass or authorization is required under any law relating to prohibition which is for the time being in force.
- (2) The power to make regulations under clause (b) of sub-section (1) shall be subject to the control of the State Government and the power to make regulations under the other clauses of that sub-section shall be subject to the previous sanctions of the State Government.
- (3) The power of making regulations under this section shall be subject to the condition of the regulations being made, after previous publication and for the purposes of section 23 of the General Clauses Act, 1897 such regulations shall be deemed to be rules; and every regulation made, under this section, shall also be published in the locality affected thereby by affixing copies thereof in conspicuous places near to the building, structure, work or place, as the case may be,- to which the same specially relates or by proclaiming the same by the beating of drum or by advertising the same in such local newspapers as the 'Commissioner or Superintendent of Police may deem fit, or by any two or more of these means, or by any other means he may think suitable;

Provided that any such regulation may be made without previous publication if the Commissioner or Superintendent of Police is satisfied that circumstances exist which render it necessary that such regulation should be brought into force at once.

(4) If any 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 Corporation or of any other municipal or local authority in relation to public health, convenience or safety of the locality such regulation shall be subject to such law, rule or bye-law.

9.7. In areas under the respective charges the commissioner and subject to his orders, every police officer not below the rank of an Inspector and the Superintendent and subject to his orders any police officer not lower than such rank as may be specified by the State Government in that behalf, may from time to time as occasion may arise but not so as to contravene any regulation made under the above sections or any law, or bye-law referred to in sub-section (4) of that section, give all such orders either orally or in writing as may be necessary to :

(a) Direct the conduct of, and behavior or action of persons constituting processions or assemblies on or along streets;

(b) Specify the routes by which and the times at which any such processions may pass or shall not pass;

(c) Prevent obstructions -

(i) on the occasion of all processions and assemblies;

(ii) in the neighborhood of all places of worship during the time of worship; and

(iii) in all cases when any street or public place or place of public resort may be thronged or liable to be obstructed;

(d) keep order on, and in all streets, and at, and within, public bathing and washing places, lairs, temples, mosques, gurdwaras, churches and all other places of public resort or public worship;

(e) regulate and control the playing of music, singing Or the beating of mums, tom-toms and other instruments aha the blowing or sounding of horns or other noisy instruments in, and near, any street or public place;

(f) regulate and control the use of loudspeakers in residential areas, sterner any public places and places of public amusement or public entertainment; or

(g) make reasonable orders consequential to, and furtherance of, order made under this section

9.8. The Commissioner or the Superintendent of Police in area under respective charges, may whenever and for such time as he shall consider necessary for the preservation of public peace or public Safety, by notification publicly promulgated or addressed to individuals; prohibit at any town, village, or place-

(a) the carrying of arms, cudgels, swords, spears, bludgeons, guns, knives sticks or lathis, or any other article, which is capable of being used causing physical violence;

(b) the carrying of any corrosive substance or explosives;

(c) the carrying, collection or preparation of stones or other missiles instruments or means of casting or impelling missiles;

(d) the exhibition of persons or corpses;

(e) the public utterance of cries, singing of songs, or playing of music; or

(f) the delivery of harangues, the use of gestures of mimetic representation and the preparation, exhibition or dissemination of pictures, symbol placards or any other subject or thing which may in the opinion of the Commissioner of Police or Superintendent of Police, as the case may be offend against decency or morality or undermine the security of the State

(2) If any person goes armed with any such articles as is referred to clause (a) of sub-section (1) or carries any corrosive substance or explosive of missile or instrument in contravention

of any prohibition under the sub-sections the article, corrosive substance or explosive or missile shall be liable to seize from him by any police officer.

(3) The Commissioner or Superintendent of Police, as the case may be, notification publicly promulgated prohibit any assembly or procession whenever and for such time as he considers such prohibition to be necessary for the preservation of the public order.

(4) No notification promulgated under sub-section (3) shall remain in force for more than fifteen days from the promulgation thereof:

Provided that if the State Government consider it necessary so to do for preservation of the public order, it may, by order published in the Official Gazette direct that such notification shall remain in force for such further period not exceeding six months from the date on which it would have, but for such expired as it may specify in the said order.

9.9. (1) For the purpose of preventing serious disorder of breach of the law or manifest and imminent danger to the persons assembled at any place of publicly amusement or at any assembly or meeting to which the public are invited or which is open to the public, any police officer of the rank of Assistant Sub-Inspector and above, present at such place of public amusement, or such Assembly or meeting, may subject to such rules regulations and orders as may have been lawfully made give such reasonable directions as to the mode of the proceedings and the maintenance of the public safety, at, such place of amusement or such assembly or meeting as he thinks necessary ;and all persons shall be bound to conform to every such reasonable direction.

(2) Every police officer shall have free access to every place of public amusement, assembly or meeting for the purpose of giving effect to the provisions of sub-section (1) and to any direction made there under.

9.10. If the Commissioner or the Superintendent of Police in areas under their respective charges, is satisfied from the report of an officer in charge of a Police Station, or other information received by him, that it is necessary to do so in order, to prevent annoyance, disturbance, discomfort or injury, or risk of annoyance, disturbance, discomfort or injury, to the public or to any person who dwells; or occupies property, in the vicinity, he may, by written order, issue such directions as he may consider necessary to any person for preventing, prohibiting, controlling or regulating-

(a) the incidence or continuance in any street, open space or any other premises of -

(i) any vocal instrumental music;

(ii) sounds caused by the playing, beating, clashing, blowing or use in any matter whatsoever of any instrument, appliance or apparatus or contrivance which is capable of producing or reproducing sound; or

(iii) use of loudspeaker or other apparatus for amplifying any musical or other sound at such pitch or volumes as may cause disturbance to others; or

(b) the carrying on, in any premises, of any trade, avocation or operation resulting in or attended with noise;

Provided that no direction shall be issued to any persons under clause (b) without giving to such person an opportunity of being heard in the matter.

(2) The Commissioner or Superintendent of Police may, either or his own motion or on the application of any person aggrieved by' an order made under sub-section (1), either rescind, modify or alter any such order:

Provided that before any such application is disposed of, the Commissioner or Superintendent of Police, shall afford to the applicant an opportunity of appearing before him either in person or by counsel and showing cause against the order and shall, if he rejects any such application either wholly or in part, record the reasons for such rejection.

9.11 In order to prevent or suppress any riot of grave disturbance of peace, the Commissioner or Superintendent of Police may temporarily close or take possession of any building or other place and may exclude all or any persons there from, or may allow access

thereto such persons only and on such terms as he shall deem expedient and all persons concerned shall be bound to conduct themselves in accordance with such orders as the Commissioner or Superintendent of Police may make and notify in exercise of his powers under this Section.

9.12 In any case of an actual or intended religious or ceremonial or corporate display or exhibition or organized assemblage in any street or public place, as to which or the conduct of, or participation in which, it shall appear to the competent authority that a dispute or contention exists, which is likely to lead to grave disturbance of the peace, the competent authority may give such orders as to the conduct of the persons concerned towards each other and towards the public as it shall deem necessary and reasonable under the circumstances, regard being had to the apparent legal rights and to any established practice of the parties and of the persons interested and all persons concerned shall obey such orders. .

9.13 (1) The Commissioner or Superintendent of Police in areas under their respective charges may, by public notice, temporarily reserve for any public purpose any street or other public place and prohibit persons from entering the area and power to so reserved, except on such conditions as may be specified by him.

(2) The Commissioner or Superintendent of Police in areas under their respective charges may, whenever in his opinion such action is necessary authorize such police officer as he thinks fit to erect barriers on any street for the purpose of stopping temporarily vehicles driven on such street so as to satisfy himself that the provisions of any law for the time being in force have not been contravened in respect of any such vehicle or by the driver or the person in charge of such vehicle; and make such orders as he deems fit for regulating the use of such barriers.

9.14 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.

9.15 Removal of persons about to commit offences

(1) Whenever it appears to the Commissioner of Police-

- (a) that the movements or acts of any person are causing or are likely to cause alarm, danger or harm to person or property, in the jurisdiction of the Commissionerate, or
- (b) that there are reasonable grounds for believing that such person is engaged or is about to be engaged in the commission of an offence involving force or violence or an offence punishable under 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
- (c) that such person:

- (i) is so dangerous as to render his being at large in the area of the Commissionerate hazardous to the community; or
- (ii) has been found habitually intimidating other persons by 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 of Police may, by order in writing duly served on such person, or through public announcement or other means, as he thinks fit, direct such person to so conduct himself as shall seem necessary in order to prevent violence and alarm or to remove himself outside the area of the Commissionerate by such route and for such time as the Commissioner of Police may specify, and not to enter or return to the Commissionerate or part thereof, as the case may be from which he was directed to remove himself.

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

- (2) No order under this Section shall be passed without giving a reasonable opportunity of tendering an explanation to the person sought to be removed.
- (3) An order made under this Section shall not exceed the period of two years.
- (4) A person aggrieved for any action taken under this Section may appeal to the State Government within thirty days of passing of the order.
- (5) The 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.
- (6) If any person violates an order passed under this Section shall be liable to imprisonment for a term not exceeding six months and fine.

Establishment of Special Armed Police Units

9.16. 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.

Prevention and Detection of Crime

9.17. For effective prevention of crime, and speedy and efficient investigation of criminal cases reported within the area notified under this Chapter, the State Government in consultation with the Director General of Police and the Commissioner of Police:

- (a) create and maintain, 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 at Police Stations/Sub Division or District Headquarters, where there is necessity of such specialized units;
- (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.

9.18 Response System

The Government may establish for each area notified under this Chapter, 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 emergent situation.

9.19. 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.

9.20 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.

9.21. Police to be associated in urban planning

While planning for any major developmental activity including development of new colonies, in any area notified under this Chapter, 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 finalising the plan.

9.22. 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.

9.23. Powers to operate certain Special Acts

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

- (1) *The Indian Explosives Act 1884;*
- (2) *The Mental Health Act, 1987.*
- (3) *The Poisons Act 1919.*
- (4) *The Police (Incitement to Disaffection) Act,1922.*
- (5) *The Immoral Traffic Prevention Act, 1956.*
- (6) *The Arms Act, 1959.*
- (7) *The Prevention of Cruelty to Animals Act, 1960*
- (8) *The Indian Sarais Act, 1867.*
- (9) *The Cinematograph Act, 1952*
- (10) *Prohibition of Child marriage Act, 2006*

Chapter 10

Policing in the Context of Public Order and Internal Security Challenges

Internal Security Schemes

The Director General shall cause to be drawn up, a State Internal Security Scheme for the entire State as well as for each of the Districts and major urban areas, to deal with problems of Public Order and Security, as specific to the area and place it before the State Police Board for its approval.

10.2 The District Level Internal Security Schemes shall be prepared by the Commissioner of Police/District Superintendent of Police and shall be sent to the Director General of Police and shall be updated annually.

10.3 The Internal Security Scheme shall cover all anticipated contingencies involving Public Security, including riots, aggression, insurgency, sabotage, strikes, industrial or manmade disasters, natural disasters and the like, based on local conditions.

10.4 It shall be the duty of the Commr. Of Police /District Superintendent of Police to provide to the Distt. Magistrate all information regarding resources available with the District Police for managing natural and manmade disasters and Standard Operating Procedures (SOPs), for further use and to advise on the formulation of District Level Disaster Management Plans.

10.5 The Internal Security Schemes will incorporate regularly updated and comprehensive Standard Operating Procedures (SOPs) 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 a security crisis. While preparing the Internal Security Scheme, the police shall take into consideration the contingencies of specific law and order problems, and security requirements that may arise in such situations.

10.6 Based on the District level and State level Internal Security Schemes, the Director General shall draw up Plans for acquisition of necessary equipment and for the training of police personnel including Special Units and shall submit a proposal to the State Government.

10.7 Powers of State Govt. to frame rules;

(1) The State Government may makes rules for the purpose of carrying into effective provision of this chapter.

(2) Without prejudice to the generality of the forgoing powers, such rules may provide for :-

(i) Broad outlines for drawing up State Internal Security for the entire State, any of district and major urban areas.

(ii) Broad outlines for the preparation of the Disaster Management Plan and the procedure to be followed to meet anticipated contingencies.

10.8 Powers of the Director - General to issue Standing Orders :

The Director - General may issue special or general Standing Orders from time to time in consonance with the Act and Rules if any framed hereunder to better achieve the objects of this chapter.

10.9 Powers of District Magistrate, Commissioner of Police and Superintendent of Police to issue Standing Instructions:

Subject to standing orders of the Director General, the District Magistrate, or the Commissioner of Police or Superintendent of Police in consultation with the District Magistrate, may issue Standing Instructions with respect to preparation, updating and operationalisation of the District level Internal Security Scheme.

Creation of Special Security Zones

10.10. 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 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.

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

10.12 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.

10.13 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.

10.14 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 Governments and the Union Government.

10.15 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.

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

10.17 Special Police Officers

(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 in the Special Security Zone .

(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.

10.18. 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.

Involvement of the community

10.19. 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.

Additional courts

10.20. 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.

SPECIAL MEASURES FOR MAINTENANCE OF PUBLIC ORDER AND SECURITY OF STATE

10.21. (1) The Commissioner or Superintendent of Police, as the case may be, may, on the application of any person, depute any additional number of police to keep the peace, to preserve order, to enforce any of the provisions of this Act or of any other law in respect of any particular class or classes of offences or to perform any other duties imposed on the police at any place in the area under his charge.

(2) Such additional police shall be employed by the cost (which shall be determined by the Commissioner or Superintendent of Police in accordance with the rules made in this behalf) of the person making the application, but shall be subject to the orders of the police authorities and shall be employed for such period as the Commissioner or Superintendent of Police considers necessary.

(3) If the person upon whose application such additional police are employed shall at any time make a written requisition to the Commissioner or Superintendent of Police for the withdrawal of the said police he shall be relieved from the cost thereof at the expiration of such period not exceeding one week from the date of the delivery of such requisition as the Commissioner or Superintendent of Police shall determine.

(4) Where there is any dispute as to the amount to be paid by way of cost, the Commissioner or Superintendent of Police, as the case may be, shall, on an application made in that behalf by the aggrieved party, refer the matter to the State Government or any authority nominated, by the State Government whose decision thereon shall be final.

10.22. (1) If in the opinion of the State Government any area in the State is in a disturbed or dangerous condition or the conduct of the inhabitants or of any particular section or class of the inhabitants of such area renders it expedient to employ temporarily additional police in the area, it may, by notification in the Official Gazette, specify the area (hereafter in this section referred to as the disturbed area) in which, and the period for which, the additional police shall be employed and thereupon the Commissioner or Superintendent of Police shall depute such number of additional police officers as he considers necessary in the disturbed area:

Provided that the period so specified may be extended by the State Government from time to time, if in its opinion it is necessary so to do in the interests of the public.

(2) On the issue of a notification under sub-section (1), the State Government may require the District Collector or any other authority specified by the State Government, to recover, whether in whole or in part, the cost of such additional police generally from all persons who are inhabitants of the disturbed area or specially from any particular section or class of such persons, and in such proportion as the State Government may direct.

(3) It shall be lawful for the State Government to exempt, by order in writing, and for sufficient reasons, any person from liability to bear any portion of, the cost of such additional police.

Explanation:

In this section and in subsequent sections the expression "Inhabitants", when used in relation to any disturbed area., includes persons who themselves or by their agents or servants occupy or hold land or other immovable property within such area and landlords who themselves or by their agents or servants collect rent from holders or occupants of land in such area notwithstanding that they do not actually reside therein.

10.23. (1) Whenever it appears to the State Government or to the competent police authority that:

(a) any large work which is being carried on or any public amusement which is being conducted in any place is likely to impede the traffic or to attract a large number of people; or

(b) the behavior or a reasonable apprehension of the behavior of the persons employed on any railway, canal or other public work, or in or upon any manufactory or other commercial concern, under construction or in operation at any place necessitates the employment of additional police at such place, the State government, or the competent police authority, as the case may be, may depute such number of additional police to the said place for so long as the necessity to employ the additional police shall appear to the State Government or the competent police authority to continue.

(2) Such additional police shall be employed at the cost of the person by whom the work, public amusement, manufactory or concern is being constructed, conducted or carried on and the said person shall pay the costs therefore at such rates as the Government or the competent police authority, as the case may be, shall from time to time require.

10.24. (1) If the State Government is satisfied that is necessary in the interest of maintenance of public order so to do, it may by general or special order prohibit or restrict throughout the State or any part thereof all meetings and assemblies of persons for the purpose of training or drilling themselves or being trained or drilled to the use of arms or for the purpose of practicing military exercise, movements, or evolutions, or for the purpose aforesaid of attending or holding or taking any part in any camp, parade or procession.

(2) If the State Government is satisfied that the wearing in public, by any member of any body, or association or organization, of any dress or article of apparel resembling any uniform required to be worn by a member of the Armed Forces of the Union or by a member of any police force or of any force constituted by or under any law for the time being in force, is likely to prejudice the security of the State or the maintenance of public order, it may, by a general or special order, prohibit or restrict the wearing, or display, in public of any such dress or article of apparel by any member of such body or association or organization.

(3) Every general or special order under sub-section (1) and (2) shall be published in the manner prescribed for; the publication of a public notice under this Act.

Explanation:

For the purpose of sub-section (2) a dress or article of apparel shall be deemed worn or displayed in public if it is worn or displayed in any place to which the public have access.

Chapter XI Crime Investigation,

Investigations by district police

11.1 Separation of Investigation and Law and Order. - (1): 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 the law and order police in such area as may be specified in the order to ensure speedier investigation, better expertise and improved rapport with people.

(2) The Director General of Police shall ensure the full co-ordination between the two wings of the police force separated under sub-section (1)."

11.2 In order to ensure professional and scientific investigation, the Director General of Police, West Bengal, shall identify the Police Station, Sub Division or the District which shall have a separate Investigation wing called the Criminal Investigation Unit (CIU) staffed by such numbers of officers as may be determined, above with appropriate numbers of Constabulary. The qualifications and experience for the Investigation Officers to the police Station shall be prescribed in Standing Orders issued by the Director-General with the previous approval of the Government.

11.3. 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.

11.4. Officers posted to Special Crime Investigation Units will normally have a minimum tenure which shall be decided by the Director General of Police, after which they will be rotated to law and order and other assignments.

11.5. (1) 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 Commissioner of Police/District Superintendent of Police.

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

11.6. 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 Police personnel, specially selected and adequately trained for the purpose.

11.7. Necessary legal and forensic advice will be made available to investigating officers during investigations.

11.8: Experts under the control of the State Govt., shall make available their opinion on point of foreign law or of science, or art, or as to identity of handwriting or finger impressions etc. to the Investigating Agency, as sought by it, promptly and within the time frame as fixed by the State Govt. in the interest of investigation of cases and quick delivery of justice;

11.9. 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 Deputy Commissioner of Police/ Additional Superintendent of Police, who will report directly to the Commissioner of Police /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 Deputy Commissioner of Police/ Additional Superintendent of Police, an officer of the rank

of Asst. Commissioner of Police/Deputy Superintendent of Police shall be posted for this purpose.

11.10. 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 Deputy Commr. Of Police/ Additional Superintendent of Police mentioned in the above Section..

11.11. The officers and staff to be posted to this Cell shall also be selected and specially trained, as provided above.

Criminal Investigation Department

11.12. The Criminal Investigation Department of the state, created under Chapter II, shall take up investigation of such crimes of inter-state, inter-district or of otherwise serious nature, as well as those, 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.

11.13. 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.

11.14. 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.

11.15. Officers posted to the Criminal Investigation Department shall have a minimum tenure, to be decided by the Director General of Police.

11.16. 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.

Chapter XII Training, Research and Development

Training

12.1. The State Government shall evolve a Training-cum-Education Policy for the police, in accordance with the provisions of Chapter V, 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 Bureau of Police Research and Development and the State/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.

12.2. 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.

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

12.4. 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.

12.5. 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.

12.6. 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 or such other institutions which have the required expertise in the conduct of training.

12.7. 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 of Government of India or such other institutions which have the required expertise in the conduct of training.

Career planning

12.8. 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 in accordance with the provisions of Chapter VI of this Act.

Chapter XIII
Regulation, Control and Discipline

Framing of rules for administration of police

13.1. 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) functioning of the Civil Police Service and the Armed Police Units;
- (d) Conduct of basic and in-service training for the police personnel and the functioning of the training establishments;
- (e) regulation and inspection of the police organisation, and of the work performed by police officers;
- (f) determining the description and quantity of arms, accoutrements, clothing and other wherewithal to be provided to the Police Service;
- (g) prescribing the places of residence of members of the Police Service;
- (h) institution, management and regulation of any non-government fund for purposes connected with the police administration or welfare of police personnel;
- (i) regulation, deployment, movements and location of the police;
- (j) 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,
- (k) regulating the collection and communication of intelligence and information by the police;
- (l) prescribing the records registers and forms to be maintained and the returns to be submitted by different police units and officers; and
- (m) generally, for the purpose of rendering the police more efficient, and preventing abuse of power and neglect of duties by them.

Disciplinary Penalties

13.2. (1) Subject to the provisions of Article 311 of the Constitution and the Rules and Regulations made under this Act, an officer of the rank of Deputy Commr. Of Police /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 Deputy Commr. Of Police /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/Asst. Commr. 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 punishment mentioned in sub-Sections (1), (2) or (3), 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.

Misconduct

13.3. 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.

Separate set of rules for police personnel

13.4 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.

Police officers always on duty

13.5 (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.

Chapter XIV Police Accountability

A: - Accountability for Conduct

14.1 State Police Complainants Authority :-

There shall be established a State Police Complaints Authority comprising the Lokayukta West Bengal to enquire into allegations of criminal misconduct, including serious misconduct by Police personnel.

14.2 Functions of State Police Complaints Authority:

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

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

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

- (a) death in police custody;
- (b) rape or attempt to commit rape;
- (c) grievous hurt (as defined in Sec 320 Of the Indian Penal Code) in police custody;
- (d) arrest or detention without due process of law;

Provided that the Authority shall inquire into a complaint of such arrest or detention, only if he is satisfied prima facie about the veracity of the complaint. Provided further that no anonymous, synonymous, and pseudonymous complaints shall be entertained.

14.3 Powers of the State Police Complaints Authority:

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

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

14.4 Decisions and directions of Authority.

- (1) In the cases directly inquired by the Authority he may, upon completion of the inquiry, communicate its findings to the State Government.
- (2) The State Government shall consider the findings and recommendations of the Authority and take appropriate action.

14.5 Rights of the complainant

- (1) A complainant may lodge his complaint relating to any "misconduct" including "serious misconduct" on the part of police personnel with either the departmental police authorities or with the State Police Complaint authority;
- (2) In cases where a complainant has lodged a complaint with the police authorities, the Director General of Police may inform the State Police Complaint Authority about the stage of the departmental inquiry about any undue delay in the process of enquiry.
- (3) The complainant shall have the right to be informed of the progress of the inquiry from time to time by the inquiring authority. Upon completion of inquiry or departmental proceedings, the complainant shall be informed of the conclusions of the same as well as the final action in the case.

(4) The complainant may attend all hearings in an inquiry concerning his case. After each hearing, the complainant shall be informed of the date and place of the next hearing.

(5) All hearings shall be conducted in a language intelligible to the complainant. In a case where hearings cannot be conducted in such a language, the services of an interpreter shall be requisitioned if the complainant so wishes.

14.6 Duty of the police and other state agencies

(1) The Director General shall refer or cause to be referred, all allegations of "serious misconduct" by police personnel coming to his notice or of his Department to the State Police Complaints Authority.

(2) It shall be the duty of the heads of the District Police /Commissioner of Police and the State Police as well as any other concerned State agency to provide to the State Police Complaint Authority all information they may reasonably require to perform their duties provided for in this Chapter.

14.7 Interference with the functioning of the State Police Complaints Authority

(1) Whoever influences or interferes with the functioning of the State Police Complaints Authority, except in the course of lawful duty, shall, on conviction by a Court of Law, be liable to a fine which may extend to Rupees Twenty five thousand or to imprisonment for a term not exceeding one year, or both.

(2) Any threat, coercion or inducement offered to any witness or victim of police misconduct shall be deemed to be interference with the functioning of the State Police Complaints ;

(3) The State Police Complaints Authority may in case it comes to the conclusion that a complaint of police misconduct is vexatious or malafide, may impose a fine up to Rs. 10,000 in each case. Provided no such orders shall be made without affording reasonable opportunity to persons affected .

14. B: - ACCOUNTABILITY FOR PERFORMANCE

14B.1 The Director General of Police, West Bengal, may issue special or general standing orders from time to time in consonance with the Act, for regular Inspections of the Units, by such Officers as indicated in such orders or general standing orders. The Inspections shall, among other matters contain a review and evaluation of the performance of the police with reference to the policing policy, strategy and annual plans, performance indicators and new emerging standards of policing, etc.

14B.2 Performance Audit /Surveys

(1) The Director General of Police may arrange for the conduct of a performance audit of the police functioning or studies on various aspects of police performance, arrange to conduct various kinds of surveys including public opinion surveys and make its recommendation on improving the quality of policing or on assessing policing requirements in a changing scenario, including information management to the Police Board.

(2) The Report of such performance audit, surveys etc, shall be placed before the Board by the Director General alongwith his comments for a decision on the recommendations.

14B.3 Protection of action taken in good faith :-

No suit or other legal proceeding shall lie against the State Government, the State Police Board, its members and staff, the State and District Police Complaints Authority, its members, Investigators, staff or any person acting under the direction of the Board or the Authority in respect of anything which is done in good faith or intended to be done in pursuance of the provisions of this Chapter or of any Rules or with respect to any order made thereunder or in respect of any report, publication or proceedings by or under the authority of the Central Government, or the State Government, Police Board or the State Police Complaints Authority.

Chapter XV

Welfare and Grievance Redressal Mechanisms for Police Personnel

15.1. 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 counselling and training in appropriate skills for dependents of police officers; and
 - (g) appropriate legal facilities for defence of police officers facing court proceedings in matters relating to bonafide discharge of duty.
- (3) The Bureau shall have as many members as prescribed, and shall comprise of representatives from all police ranks. It may also include other members in an advisory capacity. The members of the Bureau shall be nominated by the 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.

15.2. 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.

15.3. 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 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 Police Board, 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 Police Board.

15.4 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

Order in streets and public places

16.1 Regulation of public assemblies and processions

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

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

(3) The District Superintendent/Commissioner of Police or any officer not below the rank of Assistant/Deputy Superintendent of Police, or Assistant Commissioner of Police on receipt of such intimation or otherwise, and upon being satisfied that such an assembly or procession, if allowed without due control and regulation, is likely to cause a breach of peace, may prescribe necessary conditions including making provisions for satisfactory regulatory arrangements, on which 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.

16.2. Assemblies and processions violating prescribed conditions

(1) The District Superintendent of Police/Commissioner of Police or any Police Officer not below the rank of Sub-Inspector, authorised in this behalf by the District Superintendent of Police/Commissioner of Police, may stop any assembly or procession which violates the conditions set under sub-sections (1) and (3) of Section XVI.1 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.

16.3 Regulation of the use of music and other sound systems in public places

The District Superintendent/Commissioner of Police or any officer not below the rank of Assistant/ Deputy Superintendent of Police or Assistant Commissioner of Police may regulate the time and the volume at which music and other sound systems are used in connection with any performances and other activities in or near streets or any public place that cause annoyance to the residents of the neighbourhood.

16.4. Directions to keep order on public roads

(1) The District Superintendent of Police/Commissioner of Police or any other Police Officer authorised by him in this behalf, through a general or special order, may give reasonable directions to the public to keep order on public roads and streets, thoroughfares, or any public place, in order to prevent obstruction, injury, or annoyance to passers by or pollution.

(2) The District Superintendent of Police/Commissioner of Police may issue general directions under sub-Section (1), in respect of the whole district or any part thereof, as per procedure laid down in this Chapter.

16.5 Penalty for disobeying orders or directions

Any person not obeying the lawful orders issued under Sections 16.1,16.2 and 16.3 may be arrested and on conviction by a court of law, shall be liable to a fine.

16.6. Power to reserve public places and erect barriers

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

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

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

Offences against the police

16.7. Obstruction in police work

It shall be lawful for the police to arrest any person, who obstructs the discharge of duties and functions of a police officer, and shall, on conviction, be liable to simple imprisonment not exceeding three months or fine or both.

16.8 Unauthorised use of police uniform

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

16.9. 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.

16.10 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.

Offences by the police

16.11. Dereliction of duty by a police officer

(1) Whoever, being a police officer:

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

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

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

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

(e) acts in any other manner unbecoming of a police officer;

shall, on conviction, be punished with imprisonment for a term which may extend to three months or with a fine or both.

(2) Whoever, being a police officer:

(a) is guilty of cowardice; or

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

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

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

(e) is guilty of sexual harassment in the course of duty, whether towards other police officers or any member of the public; shall, on conviction, be punished with imprisonment for a term which may extend to one year or with a fine or both.

16.12. 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.

Offences by the public

16.13. (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 spreading rumours or causing a false alarm to mislead the police, fire brigade or any other essential service or;

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

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

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

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

(j) causing annoyance to a 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) It shall be lawful for any police officer to take into custody, without a warrant, whoever commits any of the offences mentioned in sub-Section (1).

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

Procedural matters

16.14. 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 Magistrate, Tehsil office,, and Panchayat office of the local area as well as in the locality affected, by affixing copies in conspicuous places near the building or place to which the notice specially relates, or by announcing it by the beating of drum or by advertising in local newspapers and other media, or by any other means as the 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 bylaw of the Corporation or of any other Municipal or Local Authority in relation to public health, convenience or safety of the locality, such regulation shall be subject to such law, rule or bylaw.

16.15 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.

16.16 Prosecution for offences under other laws: Subject to the provisions contained in section 300 of the Criminal Procedure Code, 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.

16.17 Summary Disposal of certain cases:

(1) A Court taking cognizance of an offence punishable under sections 16.5 and Sec 16.13 of this Chapter may State, upon the summons to be served to the accused person, that he may, by a specified date prior to the hearing of the charge, plead guilty to the charge by Registered letter, and remit to the Court such sum as the Court may specify;

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

16.18 Recovery of penalties and fines imposed by Magistrates

Provisions of Sec 64 to 70 of the Indian Penal Code, 1860 and Sections 386 to 389 of the Code of Criminal Procedure Code, 1973 shall apply to the penalties and fines imposed under this Act on conviction before a Magistrate;

16.19 Limitations of Actions:

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

Chapter XVII Miscellaneous

17.1. 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 provisions of Chapter IX, by the Commissioner of Police or any other officer authorised in this behalf.

17.2. 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.

17.3. 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.

17.4. 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.

17.5. 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.

17.6. Licences and written permissions to specify conditions, and to be signed

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

(2) *Revocation of licences:* 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 licence revoked, grantee to be deemed without licence:* When any such licence or written permission is suspended or revoked, or when the period for which the same was granted has expired, the person to whom the same was granted shall for all purposes of this

Act, be deemed to be without a licence or written permission until the order for suspending or revoking the same is cancelled, or until the same is renewed, as the case may be.

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

Explanation: For the purpose of this section any such infringement or evasion by, or conviction of, a servant or other agent acting 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.

17.7 Public notices how to be given

Any public notice required to be given under any of the provisions of this Act shall be in writing under the signature of a competent authority and shall be published in the locality to be affected thereby, by affixing copies thereof in conspicuous public places, or by proclaiming the same with beat of drums, or by advertising the same in such local newspapers-English or regional language or Hindi- as the said authority may deem fit, or by any two or more of these means and by any other means it may think suitable.

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

17.8 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.

17.9 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.

17.10. Power to make rules

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

17.11. 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.

17.12 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.

17.13. 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.

17.14 Repeal and saving

(1) The West Bengal Police Act, 1952 (Act III of 1952) and the Eastern Frontier Rifles Act, 1920 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.

APPENDIX 1**CLASSIFICATION OF OFFENCES UNDER THE WEST BENGAL POLICE ACT 2007**

	Section	Offence	Punishment	Cog/Non Cog	Bailable/Non bailable	By what Court triable
1	9.17(6) of Chapter IX	Violation of orders issued under Sec 9.17 of Chapter 9 of the Act	Imprisonment of six months and fine not exceeding Rupees Two thousand only	Non Cog	Bailable	Magistrate of Ist Class
2	16.5 of Chapter XVI	Disobeying orders or directions by Police	Fine not to exceed Rupees One thousand	Non Cog	Bailable	Do
3	16.7 of Chapter XVI	Causing obstruction in Police Work	Three months imprisonment and fine not to exceed Rupees One Thousand	Non Cog	Bailable	Do
4	16.8 of Chapter XVI	Unauthorised use of Police Uniform	Six months imprisonment and fine not to exceed Rupees Two thousand	Non Cog	Bailable	Do
5	16.9 of Chapter XVI	Refusal to deliver certificate on ceasing to be police officer	Fine not to exceed Rupees One thousand only	Non Cog	Bailable	Do
6	16.10 of Chapter XVI	False or misleading statement to police	Three months imprisonment or fine not to exceed Rupees One thousand five hundred only	Non Cog	Bailable	Do
7	16.11(1) of Chapter XVI	Dereliction of duty by Police Officer;	Three months imprisonment and fine not to exceed Rupees One thousand	Non Cog	Bailable	Do