

**HIMACHAL PRADESH POLICE ACT- 2007**

***Chapterisation***

<b>Contents</b>	<b>Page No.</b>
<b>Preamble</b>	
<b>Chapter 1 : Preliminary: Definitions &amp; Interpretation .....</b>	
<b>Chapter 2 : Constitution and Organization of the State Police Service.. .</b>	
<b>Chapter 3: Civil Police.....</b>	
<b>Chapter 4: Armed Police ....</b>	
<b>Chapter 5 : Superintendence and Administration .....</b>	
<b>Chapter 6 : Role, Functions, Duties and Social Responsibilities</b>	
<b>Chapter 7 : Rural Policing .....</b>	
<b>Chapter 8 : Public Order Internal Security and Disaster Management.</b>	
<b>Chapter 9 : Criminal Investigation .....</b>	
<b>Chapter 10 : Regulation, Control and Discipline</b>	
<b>Chapter 11 : Police Accountability: .....</b>	
<b>Chapter 12 : Welfare and Grievance Redressal.....</b>	
<b>Chapter 13 : Offences, Penalties and Powers.....</b>	
<b>Chapter 14 : Miscellaneous.....</b>	

## 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 as follows:

## **Chapter 1 :**

### **Preliminary: Definitions & Interpretation**

1. (i) **This Act may be called the Himachal Pradesh 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 Himachal Pradesh.**
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2. (1) **In this Act, unless the context otherwise requires**
    - (i) **“Act” means the Himachal Pradesh Police Act, 2007,**
    - (ii) **“Cattle” include cows, buffalos, camels, horses asses, mules, sheep, goat and swine ;**
    - (iii) **“Commissioner” means the Divisional Commissioner of a revenue division.**
    - (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) **“District or revenue District” means a district constituted under the provision of the HP Land Revenue Act.**
    - (vi) **“Enrolled member” means a member of the constabulary or a non-Gazetted Officer enrolled under the provision of this Act, in either the District Roll or the State Roll in accordance with the Provisions of this Act,**
    - (vii) **“ Leader of Opposition” Leader of opposition is the person recognized as such by the Speaker of the Vidhan Sabha, and includes a person recognized as the leader of the single largest opposition group in case there is no recognized Leader of Opposition,**
    - (viii) **“Gazetted Police Officer” means an officer of or above the rank of Deputy Superintendent or Assistant Superintendent of Police.**
    - (ix) **“Group ‘C’ Posts” means the posts so categorized under the relevant State Service rules;**
    - (x) **“Headquarters Company” means a unit performing administrative and other support functions in the State Armed Police Battalion.**

- (xi) **“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;**
- (xii) **“Internal Security” means preservation of unity and integrity of the State from disruptive and anti-national forces.**
- (xiii) **“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;**
  
- (xiv) **“Notification” shall mean a notification published under proper authority in the Official Gazette.**
- (xv) **“Offence” means any act or omission made punishable by any law for the time being in force.**
- (xvi) **“Official Gazette” means the Rajpatra of Himachal Pradesh.**
- (xvi) **“Organized crime” means any crime committed by a group of persons in pursuance of a common intention of unlawful gain ;**
- (xvii) **“Other ranks” or “Constabulary” means non-Gazetted Police officers other than Upper Subordinates.**
- (xviii) **“Place of public amusement and public entertainment” means any public places as may be notified as such by the State Government;**
- (xix) **“Police District” means the territorial area notified under section 10 of Chapter 2 of this Act, as distinct from a revenue district;**
- (xx) **“Police officer” means any member of the Police Service for the State.**
- (xxi) **“Prescribed” means prescribed by rules made under this Act;**
- (xxii) **“Police organization” means the various wings of the State Police service constituted under this Act.**
- (xxiii) **“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;**
- (xxiv) **“Regulations” mean regulations made under this Act;**
- (xxv) **“Rules” mean rules made under this Act;**

- (xxvi) **“Service Companies” mean units of State Armed Police Battalions and District Armed Reserve which are deployed for law and order and other duties in support of civil police;**
- (xxvii) **“Service” means the Police Service constituted under this Act;**
- (xxviii) **“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 thereunder.**
- (xxix) **“Subordinate Rank” means all ranks below the rank of Assistant Superintendent of Police or Deputy Superintendent of Police;**
- (xxx) **“Misconduct” means an 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.**
- (xxxi) **“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 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.**
- (xxxii) **“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 overthrowing the Government established by law.**
- (xxxiii) **“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.**

## **CHAPTER – 2**

### **Constitution and Organization of the State Police Service**

#### **2.1: One Police Service for the State**

- (1) There shall be one Police Service for the State, called the ‘Himachal Pradesh Police’. Members of the Police Service shall be liable for posting to any branch of the Service including the Armed Police or any of the specialized wings. 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:

The Police Service of the State shall be categorized as the Civil Police and the Armed Police, each consisting of appropriate numbers of:-

  - (i) The Constabulary comprising of Constables and Head Constables.
  - (ii) Non-Gazetted Officers, comprising of Assistant Sub Inspectors, Sub-Inspectors and Inspectors.
  - (iii) Gazetted State Police Service Officers; and “Indian Police Service Officers” serving in the State.
- (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, Constabulary recruited by the District Boards will be deemed to be members of the District Cadres. Constabulary recruited by the State Boards shall be deemed to be members of the State Cadre. Provided that the Director General may transfer constabulary from the State Cadre to District Cadres and vice-versa under general orders of the Government, issued in the public interest from time to time.
- (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.  
Provided that up to 50% of the posts being directly recruited may be reserved for members of the constabulary with not less 7 years service and fulfilling the educational and other qualifications prescribed for direct recruits.
- (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**

- (1) The State Government shall appoint the Director - General of Police from amongst officers of the Indian Police Service in the State Cadre empanelled for the rank in accordance with Rules framed by the Central Government and recommended by a Screening Committee comprising the Chief Minister, the Leader of the Opposition in the State Legislature and the Lokayukta. Except in the case that the vacancy is unanticipated, the Screening Committee shall make its recommendation before the vacancy arises.

Provided that in case the Screening Committee comes to the conclusion, for reason to be recorded in writing, that there is no suitable incumbent in the State Cadre, it may assess the suitability of empanelled officers of other States Cadre subject to their willingness and concurrence of the Central Government.

- (2) The Screening Committee may devise its own procedure and shall consider the names of all empanelled officers of the State Cadre and shall make its



assessment on the basis of :-

- (i) The performance appraisal reports of the previous 15 years of service on the basis of weightage assigned to different grading, namely, 'Outstanding', 'Very Good', 'Good', and 'Satisfactory' ;
- (ii) The range of experience relevant to professional police work including experience of work in Central Police Organizations;
- (iii) Clean record of service in terms of indictment of the official in any criminal or disciplinary proceedings or on the grounds of corruption or moral turpitude; and
- (iv) Due weightage being assigned to award of medals for Gallantry, Distinguished and Meritorious services

Provided that where the Committee finds that no suitable officer is available in the State Cadre, it shall make its assessment with regard to other State Cadre officers, Subject to the provision of sub-section (1) above, in the manner provided in this sub-section.

- (3) The Director General of Police appointed in accordance with provision of this Act shall have a tenure till superannuation as provided in the Rules made by the Central Government. in this behalf.

Provided that an incumbent may be removed from the post before the expiry of his tenure by the State Government through a written order specifying reasons, consequent upon:

- (i) Training of charges in a criminal case by Court of law .
- (ii) Issue of charge sheet under the provisions of the All India Services (Discipline and Appeal) Rules or any other relevant rule; or
- (iii) Suspension from service confirmed by the Central Government in accordance with the provisions of the said rules; or
- (iv) Incapacitation by physical or mental illness or otherwise becoming unable to discharge his functions as Director - General; or

Provided further that the officer may be allowed by the State Government relinquish charge of the post on:-

- (i) Appointment to a post under the Central Government or another State Government or an International Organization, subject to such officer having given his consent to such a posting; or
- (ii) Resignation from service.

- (4) Temporary vacancy of the post of Director- General due to leave or suspension shall be filled on the basis of recommendations of the Screening Committee, which may devise a Summery procedure for the purpose.

**2.5: 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.

**2.6: 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 Sate shall be the Police Ranges for the purpose of this Act.

**2.7 - Police Districts**

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 as deemed necessary subject to the rules made for the purpose.

Not withstanding 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.

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

## **2.8 - 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 Sub-Divisions as deemed necessary with designated headquarters, to be headed by an officer of the rank of Assistant or Deputy Superintendent of Police, and such officer shall be known as the Sub- Divisional Police Officer.

## **2.9 - 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) Two or more Police Stations may be assigned to a Police Sub-Division for the purpose of control and supervision.
- (3) A Police Station shall have a Station House Officer 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 accordance with such norms as may be prescribed.
- (4) The State Government shall ensure availability of adequate strength of staff at each police station, based on norms prescribed.

- (5) 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.
- (6) In order to ensure professional and scientific investigation, each Police Station 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.
- (7) The State Government shall, subject to norms in this behalf, 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.
- (8) 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
- (9) **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.
- (10) The Magistrate of the District shall be at liberty to call for and inspect such diary.

#### **2.10 Term of office of key police functionaries:-**

- (1) An officer posted as Station House Officer in a Police Station or as officer in-charge of a Police or Sub-Division or as Superintendent of Police of a District

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 emergent circumstances in the larger public interest, for reason to be recoded in writing.

**2.11 Coordination in matters of overriding public importance;-**

- (1) The Commissioner in his Division and the District Magistrate in his District shall function as nodal and coordinating authorities on behalf of the Government and provide leadership roles in times of crises, likely to affect the public peace.
- (2) In order that these functionaries are able to discharge these function effectively in matters of overriding public interest, the Deputy Inspector General of the Range shall keep the Commissioner fully informed of all matters relating to the state of Law and Order in the Division and potential for any concerted effort to disturb the public peace.
- (3) The District Superintendent of Police shall keep the District Magistrate fully informed on all matters in the District relating to the state of Law and Order and potential for disturbance of the public peace and shall promptly consult him on all matters of overriding public importance relating to police.
- (4) Similarly, the Sub-Divisional Police Officer and the Station House Officer keep the Sub-divisional Magistrate fully informed on all matters in the sub-division relating to the state of Law and Order and potential for disturbance of the public peace and shall consult him on all matters of overriding public importance relating to the police.

**2.12: General Administration, Law and Order in a District:-**

- (1) For the better general administration of the district, it shall be lawful for the District Magistrate of the District, in addition to the provisions of Criminal Procedure Code and other relevant Acts, to issue directions to the police of the district in respect of the following:
  - (i) Matters relating to the promotion of land reforms and the settlement of land disputes including removal of encroachments on Government and common lands;
  - (ii) Matters relating to extensive disturbance of the public peace and tranquility in any part of the district;
  - (iii) Matters relating to the conduct of elections to any public body;
  - (iv) Matters relating to the handling of natural or manmade disasters.
  - (v) Matters relating to situations arising out of any external aggression, threat to internal security, insurgency, riots, industrial or other strikes etc
  - (vi) Matters relating to protection of women, weaker sections and minorities.
  - (vii) Any matter, not within the purview of any one department and affecting the general welfare of the people of the district or arising out a judicial pronouncement requiring the District Magistrate (by whatever designation he may be called) to use the services of the Police.
- (2) It shall be lawful for the District Magistrate to call for information of a general or special nature from the police with respect to matters in sub-section (1) and the Superintendent of Police shall render all the requisite and available assistance to the District Magistrate for the purpose.
- (3) The Superintendent of Police may, in order to provide police service in respect of matters covered under sub-section (1) above, apply to the District Magistrate to issue directions to any or all departments in the district to provide such assistance as may be necessary, and the District Magistrate shall then issue appropriate directions, and the functionary of the department in the district addressed in such direction shall comply with such directions without delay. Except where the District Magistrate is required to exercise his statutory powers, the Commissioner of a Division may give general direction to the District Magistrate in a District of his division in respect of matter in the foregoing Sub-sections and the District Magistrate shall give effect to such directions.

### **2. 13: Railway Police:-**

- (1) The State Government may, by notification published in the Official Gazette, create one or more special police districts covering such railway areas in the

State as it may specify, and appoint an Inspector – General, Deputy Inspector – General, Assistant Inspector – General, Superintendent of Police, one or more Assistant and Deputy Superintendent of Police and such other police officers for each such special district as it may deem fit, subject to rules in this behalf.

- 2) Subject to the control of the Director-General, such police officers shall discharge police functions connected with the administration of railways situated within their respective charges, and such other functions as the State Government may from time to time assign to them.
- (3) Any police officer whom the State Government 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 special district 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 State with the powers and privileges and be subject to the liabilities of police officers under this Act or any other law for the time being in force.
- 5) The Superintendent of Police may, with the previous approval of the State Government, delegate any of the powers and functions conferred on him by or under this Act to an Assistant or Deputy Superintendent of Police subordinate to him.

**2.14: 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 may 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 Inspector-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. 15: Organisation of Technical and Support Services:**

- (1) The State Government shall create and effectively maintain a Directorate of Forensic Science, independent of the Police Organization but dedicated to providing independent forensic reports to the Police. The Directorate shall comprise 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 accordance with the guidelines laid down by the Directorate of Forensic Science or the Bureau of Police Research & Development.
- (2) The State Government shall appoint a Director of Police Communications and IT for the purpose of providing a reliable dedicated communications and computer facility at all levels of the Police Organization. The Directorate shall be headed by an officer not below the rank of Deputy Inspector General of Police with as many Superintendents of Police and Deputy Superintendents of Police, to assist him, as deemed necessary. The State Government shall frame Recruitment and Promotions Rules specifying interalia the technical qualifications and experience required to man these posts.



**2.16: 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.
- (4) The State Government shall evolve a scheme of monetary and other incentives to attract and retain the best talent available in the police and related services to such training institutions.

**2.17: Special Police Officers**

- (1) The State Government may by Rules made in this behalf, frame procedures for appointment of Special Police Officers to assist the Police Service and prescribe the terms and condition of their appointment.
- (2) Subject to order made under Sub-section (1) a District Superintendent of Police generally or specially empowered in this behalf by the State Government, may, at any time by a written order signed by himself and under his seal appoint any able-bodied and willing person between the age of 18 and 35 years, whom he considers fit, to be a Special Police Officer.
- (3) Every Special Police Officer appointed under the provision of this Act 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 under this Act.

**2.18: Deployment of Additional Police**

- (1) Subject to general or special directions of the State Government in this behalf, a District Superintendent of Police may, in consultation with the District Magistrate, 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, with consent of State Government, 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) All moneys payable under (1) and (2) above shall be recoverable by the District Magistrate in the manner provided in section 386 and 387 of the CrPC, for recovery of fines or by suit in any competent Court.

**2.19: 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.

**2.20: Research and Development:**

The State Govt. may set up a Police Research and Development Bureau in such manner as may be expedient, and such Bureau may undertake surveys and studies and provide advice and guidance to the Director – General and the State Government on matters relating to improving the efficiency of police service.

**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 issued 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 Himachal Pradesh Police other than Armed Police, and the strength of various cadres of the Civil Police shall be as prescribed by the State Government from time to time.
- (2) 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 an annual recruitment to be conducted to all non-Gazetted vacancies in the Civil Police required to be filled by direct recruitment.
- (3) Every Civil Police Officer 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 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 subject to the general directions of the State Police Board.

**3.2 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.

#### 3.3 Certificate of appointment;-

- (1) Each non-Gazetted Civil Police officer on first appointment, shall be issued a certificate of appointment, an Insignia bearing the acronym 'H.P.P.' and a distinctive enrolment number from a District Roll for a member of the District Cadre and from a State Roll for a member of the State Cadre.
- (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 and an Insignia bearing the acronym 'H.P.S.'
- (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.

### **3.4 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.

### **3.5 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.
- (20) 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.

### **3.6 Control and Supervision :-**

- (1) (i) The Station House Officer shall assign work and control and supervise the functioning of the staff of the Police Station and Police Posts in his charge.
- (ii) 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.
- (iii) 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.
- (iv) 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.
- (v) 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 thereunder 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 been assigned any specific duty or responsibility.
- (4) For the better management of specialized duties and for the professional development of the members of the Civil Police, the State Government may constitute cadres or sub-cadres within the non-Gazetted ranks and in the State Police Services and shall within 2 years from commencement of this Act, create special cadres or sub-cadres in the State Police Service for investigation of serious crimes.

### **3.7 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, rules made thereunder and the general or special standing orders of the Director General.
- (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 .

### **3.8 Mounted Police;-**

- (1) There shall may be in each District, such number of Mounted Police, as may be determined from time to time by the State Government, for the purpose of patrols, crowd control and access to difficult areas.
- (2) The Director-General shall issue standing orders with regard to procurement, management and maintenance of the remounts and for the training of the mounted police

### **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.

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## **Chapter- 4**

### **The Armed Police**

#### **4.1 District Armed Reserves and State Armed Police Battalions**

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 for the State, including provision of women units. Recruitment to the Armed Police 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 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 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, can the Armed Reserve set-up be utilized in the strength of half- Sections.
- (5) Each Armed Reserve shall have an appropriate number of Reserve 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, as also a fair rotation between duty and rest for the various ranks.
- (7) The District Armed Reserve shall always be maintained at full strength by transferring personnel from Armed Battalions in accordance with Standing Orders issued by the Director-General with the previous consent of the State Government.

#### **4.3 Structure of the Armed Police Organization :-**

- (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 Armed Police organization by the State shall be headed by an officer of or above the rank of Deputy Inspector General, 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.
- (3) 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.

- (4) 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.

**4.4 Rotation between Battalions and Armed Reserves and recruitment;-**

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. No direct recruitment of Constabulary shall be made to District Armed Reserves, and all vacancies shall be held in Battalions and filled up by direct recruitment or promotion as the case may be from time to time. Subject to the provisions of this Act, the Director-General shall cause an annual recruitment to be conducted to fill all non-Gazetted vacancies in the Battalions required to be filled by direct recruitment.

**4.5 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.

**4.6 Certificate of appointment :-**

- (1) Every non-Gazetted of the Armed Police on first appointment shall be issued a certificate of appointment and insignia bearing the acronym 'H.P.A.P.' and a distinctive enrolment number which shall run serially for the entire Armed Police, separately for the constabulary, and for upper Subordinates.
- (2) 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 Armed Police or had been suspended from the service.

**4.7 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 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.

**4.8 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) Not exercise his discretion to use disproportionate or excessive force.
  - (iii) Not 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.

**4.9 Training :-**

- (1) All members of the Armed Police on initial recruitment shall undergo induction training in batches at the Police Training School in respect of the Constabulary and Police Training College 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 Police Board.

**4.10 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) While ordering deployment of any armed police unit, due care will also be taken to ensure that subject to requirement of law and order the personnel get sufficient rest and also avail a weekly day off.

**4.11 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, 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.

**4.12 Annual report:-**

The Director-General shall make an annual report to the State Security Board, 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.

**4.13 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.

**4.14 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 thereunder, to better achieve the objects of this Chapter.

**4.15 Powers of Inspector General, Deputy Inspector General, District Superintendent of Police and Commandant to issue standing instructions :-**

The Inspector General, Deputy Inspector General-in- charge of Armed Police and the District Superintendent of 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 – 5

### Administration and Superintendence

#### 5.1 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

#### 5.2 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.

### **5.3 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.

### **5.4 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.

### **5.5 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 and per the provisions contained in Chapter -11 of this Act.

- (2) Without affecting the generality of these provision, the Director-General 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 personally, of each Police Station and Post in every District.

The Standing Order shall interalia, specify the format of the Inspection, the Methodology and the content and shall endeavor to make the inspection an effective instrument for performance evaluation.

#### **5.6 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.

#### **5.7 Composition of the Board:-**

- (1) The State Police Board shall have as its members: the Minister in charge of the Police who shall also be its ex-officio Chairperson, the Leader of Opposition in the State Assembly and the Director General of Police shall be its ex-officio Member- Secretary. The Chief Secretary and Secretaries in charge of the Home and Social Justice and Finance Departments, Director of Prosecution and Director, Forensic Science shall be ex-officio members. Three persons of proven reputation for integrity and competence (hereinafter called 'Independent Members') shall be appointed from the fields of academia, law, public in a manner hereinafter provided. The Board shall have at least one woman member.
- (2) No serving government employee shall be appointed as an Independent Member. not later than three months after the seat has been vacated. However no Any vacancy in the State Police Board shall be filled up as soon as practicable but proceeding of the Board shall be deemed to be invalid on account of any vacancy.

#### **5.8 Panel for Selection of Independent Members**

- (1) Independent Members of the State Police Board shall be appointed on the recommendation of a Selection Panel which shall consist of:-
  - (a) The Lokayukta Himachal Pradesh, as Chairman
  - (b) The State Chief Information Commissioner.
  - (c) The Chairman of the State Public Service Commission.



- (2) The Selection Panel shall evolve its own procedure to select Independent Members through a transparent process.

### **5.9 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.

### **5.10 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 two years. The same person may be reappointed only for one more term of two years. A person appointed as an independent member may resign his position by a written communication addressed to the Chairman of the Board. An independent member shall be entitled to a sitting fee Rs.2000 per day of sitting of the Board and shall be entitled to TA and DA as per rules of the State Government in this behalf.

### **5.11 Functions of the State Police Board:-**

- (1) The State Police Board shall perform the following functions:-
- (i) approve broad policy guidelines for promoting efficient, effective, responsive and accountable policing, in accordance with the law, including five years strategic Policing plan and annual policing Sub- plans.
  - (ii) approve from time to time the sanctioned strength of the police service at level of the Constabulary, Upper Subordinate and Gazetted Police..
  - (iii) identify performance indicators to evaluate the functioning of the police service. These indicators shall, inter alia, include operational efficiency, public satisfaction and proper utilization of resources.
  - (iv) review and evaluate organizational performance of the State Police against five years strategic policing plan and annual policing Sub-plans and

performance indicators as identified and laid down by the State Police Board.

- (v) accept and examine representations from police officers about being subjected to illegal orders. The Board shall make recommendations to the State Government in this behalf, which shall normally be binding. The recommendations shall be considered by the State Government and the Board shall be informed of the outcome within a period of three months.

**5.12 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 Shimla 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.

**5.13 Annual Report on the Working of the Board**

- (1.) The Board shall, within three months after the end of each financial year, present to the State Government a report on the work done by it during the proceeding year as well on the performance of the State Police, along with the annual policing Sub-Plan for the next year as approved by the Board. The report shall mention all cases where its recommendation were either not accepted or not responded to.
- (2.) The State Government shall cause each such report to be laid before the State Legislature not later than two months of its receipt, along with an action taken report.

**5.14 Police Establishment Committees.**

- (1.) There shall be a District Police Establishment Committee in each district headed by the District Superintendent of Police and comprising 2 officers of the rank of

Additional Superintendent. of Police or Deputy Superintendent of Police in the district . The Board shall approve all transfers and postings within District.

- (2) There shall be Range Police Establishment Committee in each Range , headed by the Deputy Inspector General of the Range and comprising the District Superintendent of Police of the District in the Range and Commandants of Battalion in the Range. The Committee shall approve all inter-district transfers and postings within the Range
- (3) There shall be a State Police Establishment Committee headed by the Director General of Police and comprising the four senior police officers not below rank of Inspector General of Police nominated by the Director General of Police onto the Committee. The Committee shall be responsible for;-
  - (i) approving all posting, transfers of officers below the rank of Deputy Superintendent of Police between the various wings of the police organization, and deputation outside the organisation and for inter-range transfers in all the wings.
  - (ii) issue of general policy directions and Standing Orders to the Deputy Inspector General and District Superintendent of Police on transfers within their jurisdiction;
  - (iii) hearing and disposing of appeals against transfers orders issued by authorities subordinate to the Director General of Police.
  - (iv) recommending proposals for transfer of officers of rank of Deputy Superintendent of Police and above to the State Government subject to provisions of this Act
  - (v) making recommendations to State Government with regard to representations in service matters from officers of the rank of Deputy Superintendent of Police and above; and dealing with all establishment matters not covered by any other Board .

With the previous consent of the State Government, the Director General of Police may constitute a Committee for any specific unit within the Police Organisation for making posting and transfers within such unit.

#### **5.15 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.

### **5.16 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 who shall be vested with full powers to spend the amounts earmarked under each head of the budget.
- (5) The Director General shall exercise financial powers equivalent to a Secretary to the State Government, and cases requiring approval of the Council of Ministers shall be referred to the Government in the Home Department.

### **5.17 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.

### **5.18 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.

### **5.19 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.

## Chapter-6

# ROLE, FUNCTIONS, DUTIES & RESPONSIBILITIES OF THE POLICE

### Role & Functions :

#### 6.1 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 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.

## **6.2. 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,
  - (iii) 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 beings 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.

**6.3) 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.

**6.4 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.

**6.5 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.

**6.6 Arrest and detention:**

- (1) A police officer effecting an arrest or detaining a person arrested in accordance with the Law shall:-
  - (i) Wear accurate visible and clear identification, with name tags.
  - (ii) Prepare a memo of arrest at the time of arrest giving the date and time of the arrest and forthwith send a written communication to his immediate superior.
  - (iii) Inform the person arrested of his right to have someone of his choice, as a next friend notified of his arrest or detention as soon as he is put under arrest or is detained, and forthwith cause such a person to be notified.
  - (iv) Make an entry in the diary at the place of detention regarding the arrest of the person specifying the name of the next friend of the person arrested who has been informed of the arrest and the names and particulars of the police officials in whose custody the person arrested.
  - (v) Arrange for immediate medical examination by a doctor designated for the purpose and for further medical examination every 48 hours during his detention in custody.
  - (vi) Send copies of all the documents, including the memo of arrest, referred to above, to the Magistrate having jurisdiction, for his record.
  - (vii) Permit the person arrested to meet his lawyer on such manner as may be prescribed.
  - (viii) Cause the name and other particulars of the person arrested to be displayed in the notice board at the place of detention and at such other places as may be prescribed.
- (2) In making an arrest or keeping an arrested person in custody, only that amount of force shall be used as may be reasonably required to ensure that there is no possibility to escape, Handcuffing of a person arrested or in lawful police custody shall be resorted to only where there is a reasonable apprehension that such a person may turn violent, attempt suicide, escape or be forcibly released from arrest or detention.



**6.7 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.

## Chapter – 7

### Policing in Rural Areas

#### **.7.1 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.

#### **7.2) 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.

**7.3 Assistance to Gram Panchayat:-**

The officer in charge of a Police Station and the Beat officer shall give immediate information, in the manner prescribed under the Himachal Pradesh Panchayat Raj Act, 1994 to the Gram Panchayat, of any offence which has come to his knowledge and has been committed within the jurisdiction of the Panchayat and is triable by the Panchayat. He shall assist the Panchayat in the lawful exercise of its authority in all such matters.

**7.4 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, entering there in major crimes, incidents or potential for crime, based, interalia 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) Wherever it appears, on the basis of information received, that there is likelihood of violence or major Crime or damage to property in any area, the Superintendent of Police in consultation with the District Magistrate may direct the organization of a group of local and respectable persons for each village of that area for the purpose of carrying out preventive patrols, promoting crime reduction measures and generally assisting the police in their functioning. The group will be called the Village Defence Party and may consist of not more than 15 members.

- (5) Members will be inducted into the Village Defence Parties by the Superintendent of Police in consultation with the local Panchayat, from amongst able-bodied persons, between the age of 25 and 45 years and with good character and antecedents, who are permanent residents of that village, have not been convicted by a court of law or charge sheeted by the police in a criminal case, or dismissed, removed, discharged or compulsorily retired from any employment on grounds of moral turpitude, corruption or misconduct, or are not office bearers of any political party. Preference shall be given to Home Guards, Ex-servicemen and those who have earlier performed satisfactorily as members of the Village Defence Party. The Superintendent of Police shall appoint one member as leader of the party, based on his experience and leadership qualities, and may replace a member or the leader in case his work or conduct is not satisfactory.
- (6) A Village Defence Party shall be organized for a period not exceeding 30 days. Provided that the period may be extended for another period 30 days by the Superintendent of Police in consultation with the District Magistrate, for reasons to be recorded in writing.
- (7) Membership of the Village Defence Party shall be voluntary and honorary. The members of the Village Defence Party shall wear Photo Identification Badges issued by the District Superintendent of Police.
- (8) Any person who for any reason ceases to be a member of a Village Defence Party shall forthwith deliver up to the Superintendent of Police or to an officer authorized by him, the Photo Identification Badge and all records and documents in his possession as a member of the Village Defence Party.

#### **7.5 Consultative mechanism**

- (1) The District Superintendent of Police in consultation with District Magistrate 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, and other representatives of the community, to generally advise the police in their functioning. The Group shall have a fair representation of all segments of the society in villages falling in the police station area and not less than one-third of the Group shall comprise women. This 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 charge sheeted by the police in a criminal case, or dismissed, removed, discharged or compulsorily retired from any public employment on grounds of corruption, moral turpitude or misconduct shall be eligible to be included in the Community Liaison Group.

Provided further that no officer bearer of a political party shall be eligible to be included in the Group.

- (2) The Superintendent of Police shall nominate one of the members of the Community Liaison Group as the Convener. The Group will identify the existing and emerging policing needs of the area, which will be taken into consideration by the Superintendent of Police while preparing the annual policing strategy and action plan for the District. The Group may also review acquittals in major cases and take general stock of progress in major cases under investigation. The Group shall perform such other functions as may be prescribed by the Government, from time to time. It will meet as frequently as necessary, but at least once in every month.
- (3) Where it appears to the Sub-Divisional Magistrate or the Sub-divisional Police Officer that it is expedient for the maintenance of public order or in other emergent circumstances to hold a meeting of the Community Liaison Group, he may either direct the Convener to convene to such a meeting or may convene a special meeting of the Group under his Chairmanship.

**Public Order Internal Security and Disaster Management**

- 8.1** 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.
- 8.2** The District Level Internal Security Schemes shall be prepared by the District Superintendent of Police and shall be sent to the Director General of Police alongwith the endorsement and suggestions of the District Magistrate and the Commissioner of the Division, and shall be updated annually.
- 8.3** 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.
- 8.4** It shall be the duty of the 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.
- 8.5** 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.
- 8.6** Based on the District level and State level Internal Security Schemes, the Director General shall drawn 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 Police Board.
- 8.7 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.

**8.8 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.

**8.9. Powers of District Magistrate and Superintendent of Police to issue Standing Instructions:**

Subject to standing orders of the Director General, the District Magistrate, or the 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.

## **Chapter-9**

### **Criminal Investigation**

#### **9.1 Reporting and Registration of Crime:**

- (1) Any person who has knowledge regarding commission of an offence, shall forthwith report the matter, alongwith all particulars within his knowledge to the Police Station or Post having jurisdiction or the nearest Police Station, as soon as possible. Provided that it shall be sufficient for the person to report such information by telephone or such other means as may be prescribed by the Director General by Standing Orders.
- (2) A report of commission of a crime shall be entered in the records of the Police Station forthwith in accordance with the law in such manner and on such format as may be prescribed by the Government by Rules or by the Director General through Standing orders.
- (3) The officer in charge of a Police Station or Post shall, in case the Police Station has jurisdiction in the matter, cause the report to be investigated in accordance with the provisions of the law for the time being in force.

#### **9.2 Investigation by District Police:-**

- (1) There shall be a Criminal Investigation Unit (CIU) in every Police Station for the investigation of serious crimes as may be defined by the Director General by means of Standing Orders issued from time to time, and shall include crimes such as murder, kidnapping, rape, dacoity, dowry-related offences etc. All other crimes may be investigated by other staff of the Police Station subject to the provisions of the Act and Rules there under.
- (2) The CIU shall be headed by an officer not below the rank of Sub-Inspector of Police and shall consist of such Non-Gazetted Officers and Constabulary as may be determined by the State Government or the Director General.
- (3) Non-Gazetted Officers posted in the CIU will be selected on the basis of their aptitude, competence and integrity and will form a sub-cadre for purposes of postings and promotions; provided that the State Government may prescribe training and examinations for various non-Gazetted ranks of the CIU and may frame rules for the organization and management of the sub-cadre.
- (4) Non-Gazetted Officers posted in the CIU shall have a minimum tenure of 3 years and a maximum tenure of 5 years and a non-Gazetted officer may be posted out prematurely only in case (a) a charge-sheet has been served on him in a disciplinary case or (b) charges in a criminal case has been framed against him in



a Court of law or (c) a Criminal case is ordered to be registered by the District Superintendent of Police against him.

- (5) Within 3 years from the commencement of this Act, the State Govt. shall create a separate cadre of Investigation Officers, including a cadre of Scene-of-Crime Officers who shall possess such qualifications in scientific investigation and forensic sciences as the State Government may prescribe by Rules; and Government shall take steps to post Scene-of-Crime officers at all Police Stations with serious crime level exceeding such norms as may be determined from time to time by the Government.
- (6) A Non-Gazetted Investigation Officer posted in a CIU shall not be assigned any work other than investigation. The investigation work of the CIU in the Police Station shall be supervised closely by the officer-in-charge of the Police Station. An officer assigned to a case shall not be changed unless (a) he is suspended or posted out or (b) his ability to impartially investigate a case is under doubt or (c) the officer is incapacitated. The officer-in-charge of the Police Station shall record the reasons in case investigation work is proposed to be reassigned and shall obtain the prior written approval of the District Superintendent of Police or Additional Superintendent of Police.
- (7) The officer-in-charge of the Police Station shall, within 48 hours, visit the scene of crime in all serious cases and issue directions for the speedy and correct investigation of the offence.

### **9.3 Supervision by Sub-Divisional Police Officers:-**

- (1) The Sub-Divisional Police Officer shall visit the scene of serious crime personally at the earliest opportunity and shall ensure that all requisite legal, scientific and forensic requirements for proper investigation are fully met.
- (2) The Sub-Divisional Police Officer shall monitor the progress of investigation in all cases entrusted to the CIU and shall issue directions in writing in any case where in his opinion, a particular aspect requires specific investigation and shall accord approval to the Final Report in each case before it is filed in the criminal Court having jurisdiction.
- (3) The Sub-Divisional Police Officer shall generally monitor the progress of prosecution of all serious crime to ensure that the results of the investigation are put forth in the best possible manner before the trial Court.

**9.4 Supervision by the District Superintendent of Police:-**

- (1) The District Superintendent of Police shall generally monitor the progress of investigation in all criminal cases registered in the District and shall closely oversee the progress of investigation of serious cases by the CIU.
- (2) The Superintendent of Police shall be assisted by a Law Officer exclusively posted in his office for the purpose of providing legal advice on criminal cases.
- (3) The Superintendent of Police shall designate an Additional Superintendent of Police in his district as the in-charge of the District Criminal Investigation Unit to monitor serious cases and make recommendations to him on improving the speed or quality of investigation generally or in specific cases and may also if a case so requires, direct that the investigation will be done by a Special Investigating Team headed by such Additional Superintendent of Police, or the Sub-Divisional Police Officer concerned, comprising investigating officers from the CIU of any Police Stations of the District.

**9.5 Investigation of other offences:-**

Offences other than serious cases, including traffic offences, affray, minor disputes affecting the public peace, simple hurt, minor theft, instances of public nuisance and such cases as are not investigated by the Criminal Investigation Unit (CIU) or any specialized unit shall be investigated by the civil police in the Police Station having jurisdiction.

**9.6 State Criminal Investigation Deptt.:-**

- (1) The State Criminal Investigation Department (CID) shall take up investigation of only serious crimes of inter-state or inter-district nature or of a specialized nature, including cyber crime, organized crime and such other types of crime as may be notified by the State Government from time to time.
- (2) The Director General of Police may entrust the Department with the investigation of any case registered with any Police Station in the State in case special investigation is expeditiously is required, or it is necessary to do so to maintain public credibility in investigative process.
- (3) There shall be a Law Officer not below the rank of the Joint Director (Prosecution) exclusively to advise the officers of the CID on legal aspects of investigation and subsequent prosecution.

- (4) The Department will have in its headquarters a Police Station with Statewide jurisdiction to facilitate registration of cases to be investigated by the CID. The officer-in-charge of the Police Station shall keep posted by the State Government.
- (3) The head of the CID may constitute Special Investigation Teams to investigate complex cases and shall have the powers to call for reports of investigation and issue advisories to investigating officers of the CID and the District CIU.
- (4) Officers in the CID including Scene of Crime officers of the Department shall be part of the cadre of investigating officers created under section 9.2(5).
- (5) The District Superintendent of Police shall provide all assistance and criminal intelligence to the crime investigators whether of the Department or otherwise.
- (6) The Head of the CID shall cause to be prepared, within 6 months from the commencement of this Act, a comprehensive Investigation Manual specifying detailed operating procedures for investigation of serious crimes by the CID, District CIU and Police Station level CIUs. The Manual alongwith recommendations of the Director General shall be placed before the State Police Board for its approval within 9 months of the commencement of this Act.
- (7) The Criminal Investigation Department shall publish a periodical Criminal Investigation Gazette, giving information regarding arrests, identification wanted warnings etc., in such form and with such content as the Director – General may direct from time to time. The Gazette shall be widely circulated, and published on the website of the Police Department.

**9.7 Forensics:**

- (1) The Director, Forensic Sciences shall, from time to time, with the approval of the State Police Board, communicate to the State Government, the forensic facilities or services required at the State, Range and District level for the purpose of scientific investigation of Crime, and the analysis scientific evidence that may be collected in various circumstances.
- (2) The State Government shall make available the necessary financial resources to provide the forensic facility or service within 6 months and if it is unable to provide the facility it shall communicate the reasons which shall be placed before the State Police Board in its next meeting.
- (3) It shall be compulsory for all investigating officers, whether of State CID or the CIU of the Police Station of the Department to collect samples in a manner prescribed by the Director, Forensic Science and send them for analyses to the designated forensic laboratory.

- (4) The Director General, in consultation with Director Forensic Sciences, shall by special order issued, from time to time :-
- (i) Prescribe the expertise including Diploma and Certification for investigating officers of the CID and the CIUs.
  - (ii) Determine the specification of scientific interrogation centers and the Standard Operating Procedure (SOP) in such centers.
  - (iii) Determine nature and specifications of the audio–video and other equipment that may be used in investigation and the Standard Operating Procedure (SOP) for the purpose and
  - (iv) Lay down the Standard Operating Procedures in investigating various types of crime including the procedure for collecting samples for forensic analysis.

#### **9.8 Maintenance of Crime and Forensic Data banks**

- (1) The State CID shall maintain databank of all indices important for crime investigation, crime prevention and tracing of lost and missing persons and property and shall administer the State Crime Records Bureau and District Crime Record Bureau for the purpose.
- (2) The CID shall maintain adequate linkages with District Superintendent of Police and with National Crime Records Bureau for data updating and exchange.
- (3) The CID shall have a Finger Print Bureau to be headed by an Officer of the rank of at least Superintendent of Police. The Bureau shall maintain computerized searchable databanks of finger prints, including those collected in the course of investigation by the Bureau or by the District Police. The State Finger Print Bureau shall coordinate activities with similar agencies in other States and Government of India. The Finger Print Bureau shall provide training to investigating officers of the District Police and develop standard operating procedure for lifting, developing and matching finger prints in various circumstances, and shall publish a Finger Printing Manual for the purpose.

#### **9.9 Powers of State Government to frame rules;**

- (1) The State Government may make rules for the purpose of carrying into effect provisions of this chapter.
- (2) Without prejudice to the generality of the foregoing powers, such rules may provide for;-

- (i) manner for entering report of commission of crimes in the record of the Police Station.
  - (ii) Procedure to be followed by the Criminal Investigation Department, Crime Investigation Units (CIU) and other staff of the Police Station for investigation of serious crimes such as murder, kidnapping, rape, dacoity, dowry related offence etc. and other serious crime.
  - (iii) Determination of composition and constitution of the Criminal Investigation Unit
  - (iv) Training postings and promotion of officers posted in Criminal Investigation Units and Criminal Investigation Department
- (3) Prescription of qualifications for the sub-cadre of Scene of Crime officers.

**9.10 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 thereunder to better achieve the objects of this Chapter.

**9.11 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.

## Chapter 10

### Regulation, Control And Discipline

#### 10.1. Framing of rules, directions and standing orders for administration of police

Subject to any Rules or directions made in this behalf by the State Government, the Director General shall issue Standing Orders not inconsistent with this Act or with any other enactment for the time being in force for -

- (1) the prevention and investigation of crime;
- (2) the effective prosecution of offences, including filing of appeals
- (3) the maintenance of law and order and on use of appropriate force for the purpose.
- (4) regulation and inspection of the services provided by various police offices.
- (5) determining the description and quantity of arms, accoutrements, clothing and other necessaries to be furnished to the Civil and Armed Police.
- (6) determining the places of residence of members of the Police Service
- (7) the institution, management and regulation of any Police fund for any purpose connected with Police administration, and for rewards to informers etc.
- (8) regulating, the distribution, movements and location of the police, assigning duties to various Police offices including Police Stations and Posts, and Police Officers of all ranks and grades and prescribing in the manner in which such duties shall be carried out.
- (9) prescribing the conditions subject to which, they shall exercise and perform their respective powers and duties.
- (10) regulating the collection and communication of intelligence and information by the police
- (11) the books and registers and Reports (including Annual Reports and Charge Reports ) to be maintained and the returns to be submitted by Police Officers; and
- (12) computerization of police records and police working.
- (13) generally, rendering the police efficient and preventing abuse or neglect of their duties

## **10.2 Prohibition of certain practices:**

- (1) No police officer shall join or be a member of any Association or participate in the activities of such Association which has an objective, or which aims at collective negotiation on matters relating to the police service.
- (2) No non-Gazetted or Gazetted police officer shall be posted in his Home district as recorded in his Service Book.

## **10.3 Disciplinary Penalties**

- (1) Subject to the provisions of this Act and the applicable Rules, any Gazetted police officer of the rank of Superintendent of Police or above, can award any of the following major punishments to any non-Gazetted police officer for whom such Gazetted officer is an appointing authority:-

- (i) Dismissal;
- (ii) Removal from service;
- (iii) Compulsory retirement
- (iv) Reduction in rank (provided such reduction shall not be to a rank below the rank in which such officer was recruited).

Provided that where the punishment is for the gravest of misconduct, namely murder, rape or other sexual offence grievous hurt in police custody, escape of a prisoner from custody, corruption, perjury, molestation of a woman, or conviction in any criminal offence, the penalty shall be not less than removal from service with a bar to future employment under the Government.

- (2) Any Gazetted police officer of the rank of Superintendent Police or above, in accordance with the procedure prescribed under the Rules, can award any of the following minor punishments to any non-Gazetted police officer under his official control namely reduction in pay (by upto 3 stages in the timescale for a period not exceeding 3 years) withholding of increments for upto 3 years, fine not exceeding one month's pay; reprimand or censure.
- (3) An Assistant Superintendent of Police or any other officer of equivalent rank, may award the punishment of reprimand or censure to police officers of or below the rank of Sub Inspectors of Police.
- (4) Any police officer of and above the rank of Inspector may award punishments to Constables and Head Constables prescribed in the rules under this Act.

- (5) Any punishment mentioned in subsection (1) to (3) awarded to any police officer will not affect his liability for prosecution and punishment for any criminal offence committed by him.

#### **10.4 Suspension**

- (1) An officer of or above the rank of Superintendent of Police or of equivalent rank may place a non-Gazetted police officer working under his control under suspension –
- (i) Where a disciplinary proceedings for award of major punishment against him has been initiated ; or
  - (ii) Where in the opinion of the authority aforesaid there is a prima facie case that he has engaged himself in activities prejudicial to the security of the State; or
  - (iii) Where a case against him in respect of any criminal offence is under investigation, or trial and, in the opinion of the aforesaid authority, there is a prima facie case.
- (2) Suspension of Gazetted officers of the State Police Service shall require the approval of the appointing authority
- (3) Every order of suspension passed under this section shall be in writing giving briefly the reasons thereof.
- (4) Where a Police Officer is suspended (whether in connection with any disciplinary proceeding or otherwise) and any other disciplinary proceeding is commenced against him during the continuance of that suspension, the authority competent to place him under suspension may, for reasons to be recorded by him in writing, direct that the police officer shall continue to be under suspension until the termination of all or any such proceedings.
- (5) An order of suspension made may at any time be revoked, modified or reviewed suo moto, or on the representation of the suspended officer by the authority which made the order or by any authority to which that authority is subordinate. All cases where period of suspension exceeds 1 year shall be reported to the State Police Board of the Director General.

#### **10.5 Disciplinary Misconducts**

A police officer shall be liable for disciplinary action for misconduct under this Act including (1) disobedience of lawful orders, (2) neglect of duty, (3) insubordinate or oppressive conduct, (4) malingering or unauthorized absence from duty, (5) act of cowardice, or any act unbecoming of a police officer. (6) Misuse of authority.



## **10.6 Appeals from orders of punishment**

An appeal against any order of punishment passed against a police officer under this Act or the rules there under shall lie:-

- (i) Where order is passed by the Director - General, to the State Government;
- (ii) Where order is passed by an officer subordinate to the Director General of Police, to the next higher ranking officer in the police hierarchy.

Provided that no appeal in disciplinary matters, where the Director General of Police or the State Government has not passed the original disciplinary matters, shall go beyond Director General of Police.

## **10.7 Separate set of rules for police personnel**

- (1) All non-Gazetted Police personnel, shall be exempted from application of classification, discipline, appeal and conduct Rules applicable to other State Government Employees, and shall be governed by Rules framed under this Act for the said purpose.
- (2) Indian Police Service and Gazetted State Police Service officers shall be governed by their respective rules.

## **10.8 Police officers always on duty**

- (1) Every police 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 employed as a police officer in any part of the State.
- (2) A police officer shall not abdicate his duties or withdraw himself from the duties thereof, unless expressly allowed to do so in writing by the Director General/Inspector General of Police or by such other officer as may be authorized by the Director - General to grant such permission or by the competent officer in case of Indian Police Service officers and Gazetted State Police Service Officers, or unless he shall have given to his superior officer, notice in writing for a period not less than two months previously of his intention to do so.

A police officer who, being absent on leave, fails without reasonable cause to report himself for duty on the expiration of such leave shall be deemed within the meaning of this section, to withdraw himself from the duties of his office.

**10.9** No Police Officer shall engage in any employment or office whatsoever other than his duties under this Act, unless expressly permitted to do so in writing by the Director General of Police, or by competent authority in case of Indian Police Service Officers and Gazetted State Police Service Officers

## **Chapter 11:**

### **Police Accountability**

#### **A: - Accountability for Conduct**

##### **11.1 State Police Complainants Authority :-**

There shall be established a State Police Complaints Authority comprising the Lokayukta Himachal Pradesh to enquire into allegations of criminal misconduct, including serious misconduct by Police personnel. The powers of the State Police Complaints Authority shall be as prescribed by or under such law.

##### **11.2 District Police Complaints Authority ;**

The State Government shall establish in each district in the State a District Police Complaints Authority to inquire into such cases of misconduct other than serious misconduct. The authority shall also monitor departmental inquiries against non-Gazetted Police Officers initiated suo moto or on order of the State Authority in cases of complaints of misconduct by police personnel. The powers of the District Police Complaint Authority shall be prescribed under Rules made by the State Government with the concurrence of the State Police Complaints Authority.

##### **11.3 Composition of the District Police Complaints Authority ;**

The District Police Complaints Authority shall be headed by the Divisional Commissioner of the Division and shall include 3 other Non-Official members ( who may be retired Senior Police officers of the rank Superintendent of Police and above, retired prosecutors of the rank of District Attorney or retired Judicial officers of the rank of Additional District Judge and above). The non- Official members shall be appointed by State Government in consultation with the Lokayukta HP, for a period three years at time. They shall be paid a sitting fee of Rs. 500/- per sitting and TA /DA at rates notified by Government. The District Police Complaint Authority shall meet as often as required, but at least once a month. The proceedings shall be open to the public and a record shall be kept.

#### **11.4 Functions of District Police Complaints Authority:**

The District Police Complaints Authority shall –

- (1) Forward the complaints of “serious misconduct”, received directly by it from the public, to the State Police Complaints Authority for further action;
- (2) Forward for further action and report the complaints of other “misconduct” specified under section 11.2 received by it, to the District Superintendent of police,

Provided that if the complaint contains allegations against any officer of and above the rank of Assistant / Deputy Superintendent of Police, the District Police Complaints Authority shall forward the same to the Director General of Police under intimation to the State Police Complaints Authority, for further action.

- (3) Monitor the status of departmental enquiries and action on the complaints of “misconduct” against police officers below the rank of Assistant/ Deputy Superintendent of Police, through reports obtained from the District Superintendent of Police with such frequency as may be specified.
- (4) Issue appropriate advice to the District Superintendent of Police for expeditious completion of an enquiry, if, in the Authority’s opinion, such an enquiry is getting unduly delayed in any such case;
- (5) Call for a report from, and issue appropriate advice for further action including, if necessary, a fresh enquiry by another officer, to the District Superintendent of Police when a complainant, being dissatisfied by an inordinate delay in the process of departmental inquiry into his complaint of “misconduct”, brings such matter to its notice;

Provided that if the matter relates to any complaint of “misconduct” by an officer of or above the rank of Assistant/ Deputy Superintendent of Police, Gazetted police officer, the Authority shall forward it to the State District Complaints Authority for further action and

- (6) Report to the State Police Complaints Authority cases where departmental enquiry into “misconduct” is not concluded in time by the Enquiry Officer concerned in spite of the Authority’s advice(s) to the District Superintendent of Police or Director General of Police or as the case may be.

### **11.5 Report of the District Police Complaints Authority:-**

- (1) Each District Police Complaints Authority shall prepare and submit to the State Police Complaints Authority an annual report at the end of each calendar year, inter alia, containing:
  - (i) The numbers and types of cases of “serious misconduct” and “other misconduct” forwarded by it to the State Police Complaints Authority and the District Superintendents of Police and Director General of Police respectively, during the year;
  - (ii) The number and types of cases monitored by it during the year;
  - (iii) The number and types of cases of “misconduct” referred to it by the complainants upon being dissatisfied by the departmental inquiry into his complaint;
  - (iv) The number and types of cases referred to in (iii) above in which advice was issued by it to the police for further action;
  - (v) Identifiable patterns of misconduct if any on the part of police personnel in the District and
  - (vi) Recommendations on measures to enhance police accountability.

### **11.6 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 or the District Police Complaints Authority.
- (2) In cases where a complainant has lodged a complaint with the police authorities, he may inform the State Police Complaint Authority or the District Police Complaints Authority at any 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.

### **11.7 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 and the State Police as well as any other concerned State agency to provide to the State Police Complaint Authority and the District Police Complaints Authority all information they may reasonably require to perform their duties provided for in this Chapter.

### **11.8 Interference with the functioning of the State Police Complaints Authority or the District Police Complaints Authority**

- (1) Whoever influences or interferes with the functioning of the State Police Complaints Authority or the District 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 Authority or District Police Complaints Authority as the case may be.
- (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 .

#### **B: - ACCOUNTABILITY FOR PERFORMANCE**

- 11.9** In accordance with the provisions of Chapter 5 of this Act, the State Police Board shall regularly review and evaluate the performance of the police with reference to the policing policy, strategy and annual plans, performance indicators and new emerging standards of policing and the Director General shall provide all such information that the Board may require for the purpose.

### **11.10 Performance Audit By State Bureau Of Police Research And Development**

- (1) The State Police Board or the State Government may require the State Bureau of Police Research and Development to conduct 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.
- (2) The Report of the Bureau shall be placed before the Board by the Director General alongwith his comments for a decision on the recommendations.

### **11.11 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, the State Police Complaints Authority or the District Police Complaints Authority.

### **11.12 Funding**

The State Government shall ensure that adequate funds are provided to the State Police Complaints Authority and the District Police Complaints Authorities for the effective performance of their functions. The police shall not under in any circumstances provide any material or human resources to the State or the District Police Complaints Authorities for any purpose.

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## **Chapter - 12**

### **Welfare and Grievance redressal mechanisms**

#### **12.1.1 Career Progression:-**

The State Government shall formulate policies in order to ensure adequate promotional avenues to meritorious police officers of all ranks.

#### **12.2 Welfare Committee**

- (1) There shall be a Police Welfare Committee, headed by an officer not below the rank of Inspector General of Police, in the office of Director General of Police to assist him to implement welfare measures for police personnel.
- (2) The functions and activities of the Police Welfare Committee shall inter alia include: Health care (including post-retirement health care), Post-retirement/ post-death financial security, group housing, education and Career counseling of family members of police officers, training of family members in entrepreneurial work/self-employment and legal assistance to police officers facing proceedings in matters relating to bonafide discharge of duty.
- (3) The Committee shall comprise of representatives of all police ranks and may also have other members in advisory capacity. The members of the Board shall be nominated by the Director General of Police.
- (4) The Police Welfare Committee shall lay down norms and policies, and review and monitor welfare activities undertaken by various police units in the State.
- (5) The Committee shall interact with government departments, public sector undertakings and others to facilitate gainful employment for retired police officers and for family members of police officers who have lost their lives in line of duty.
- (6) adequate funds shall be made available to the Board for the welfare of police officers, which will have two components:
  - (i) outright grant by the State, and
  - (ii) matching grant by the State to the contribution made by the police personnel towards the welfare fund of the department.



### **12.3 Insurance Coverage, hospitals etc.**

- (1) State Government shall provide adequate insurance coverage for all police officers against any injury, disability, or death caused in the course of performance of their duty.
- (2) The Police functionaries engaged in specialized wings such as operations, bomb disposal squad, Commando Groups etc. shall be paid risk allowance to commensurate with the possible risks involved in performing those duties.
- (3) Besides developing exclusive hospitals both for general treatment and for specialized services, police officials shall also be allowed medical insurance that would enable them to keep up the required standards of health and physical fitness.
- (4) Facilities for psychological counseling, in order to cope with professional Stresses, shall be given due attention in the police hospitals and other police establishments.

### **12.4 GRIEVANCE REDRESSAL**

- (1) There shall be Police Grievances Committees at the District, Battalion, Range and Headquarters level. The Committee at District, Battalion, Range shall be headed by the Superintendent, Commandant and Deputy Inspector General respectively , and shall include two other officers in each case, nominated by the Director - General.
- (2) Representations of a members of the constabulary shall be presented in writing to the District or Battalion Committee as the case may be within 30 days.
- (3) Representations of the members of the Non-Gazetted officer shall be made to the Deputy Inspector General of the Range or the Special Unit as the case may be.
- (4) Representations by Gazetted officers shall be made to a Headquarters Committee consisting of 3 officers not below the rank of Inspector General nominated by the Director – General. This Committee shall also hear appeals against decision of the District Battalions and Range Committees.

Provided that mall cases where the representations requires to be considered at the Government level, the Director – General, instead of referring the matter to the Headquarters Committee, shall forward the representation to the Government in the Home Department.

- (5) All representations and appeals shall be decided within 30 days and all cases not decided within 30 days shall be reported by the Director General alongwith the facts of the case and reasons for delay to the State Police Board which may issue appropriate directions.
- (6) An analysis of the grievances, their causes and their adverse impact on the morale and efficiency of Police department shall be carried out annually. This analysis shall also be included in the Annual Report of The State Police Board.

## **12.5 WORKING HOURS**

- (1) The State Government shall take effective steps to ensure that the average hours of duty of a police officer does not exceed eight hours a day. Provided that for exceptional reasons the hours duty of a police officer may extend up to 12 hours. In that event adequate compensation and facilities shall be provided to the police officers.
- (2) The State Government shall also ensure that at least one weekly off is provided to all police officers.

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## **CHAPTER 13:**

### **Offences, Penalties, and Powers**

#### **13.1 Regulation of public assemblies and processions**

- (1) It shall be duty of any person intending to form a procession or convene or collect an assembly in any road, street or thoroughfare, to give intimation in writing to the officer-in-charge of the police station having jurisdiction or the Sub Divisional Police Officer of the District Superintendent of Police.
- (2) The District Superintendent or Sub Divisional Police Officer if so authorized by the District Superintendent of Police, on being satisfied that such an assembly or procession would, if uncontrolled/ unregulated, be 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 officer concerned may prohibit the assembly or procession.
- (3) The District Superintendent or Sub Divisional Police Officer may, where necessary, direct the conduct of all assemblies and processions on the public roads, or in the public streets or thoroughfares, and prescribe the routes and times for such processions to pass.

#### **13.2 Assemblies and processions violating prescribed conditions**

- (1) Any Magistrate , or the Police Officer in charge of a Police District, a Sub-division or a Police Station may stop any assembly or procession which fails to give notice as required under sub-section (1) or the conditions set under sub sections (2) & (3) of section 13.1 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) shall be deemed to be an “unauthorized assembly”.

#### **13.3 Directions to keep order on public roads**

The Police Officer in charge of a Police District, a Sub-division or a Police Station, or any other Police Officer authorized by the superintendent of Police by general or special orders, may give reasonable directions to the public to keep order on public roads and streets, thoroughfares, ghats, landing-places, railway

stations, airports and all other places of public resort, in order to prevent obstructions, injury, harm, pollution, or annoyance to the public, or damage to property.

#### **13.4 Power to reserve public places and erect barriers**

- (1) The Superintendent of Police of the District may, by public notice, temporarily reserve for any public purpose, any street or other public place and prohibit persons from entering the area so reserved, except on such conditions, as may be specified.
- (2) The Superintendent of Police of the District may;-
  - (i) Authorize any police officer under his control to erect barriers on public roads and make such orders as deemed fit for regulating the use of such barriers and prescribing all possible steps to be taken for safety of the public.

#### **13.5 Penalty for disobeying orders or directions**

Every person not obeying the lawful orders issued under sections 13.1, 13.2, 13.3 and 13.4 may be arrested without a warrant and shall be liable, on conviction before a Magistrate, to a fine not exceeding five thousand rupees or simple imprisonment not exceeding 8 day or both.

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

- (1) The officer in charge of a Police Station or a Police Sub-division may, by order in writing regulate the time and the volume of music, sounds, performances, displays, broadcasts and other activities in or near streets and public places to prevent annoyance to the residents of the neighborhood.
- (2) Any person who neglects to obey an order issued under Sub-section (1) shall on conviction, be liable to a fine of Rs. 1000/- or imprisonment of upto 8 days or both.

#### **13.7 Powers of Police Officer in respect of in respect of certain offences on roads or public places.**

- (1) It shall lawful for any police officer in uniform, not below the rank of Sub-Inspector to take into custody, without warrant, any person who within his view, commits any of the following offences on any roads, public place or thoroughfare to the obstruction annoyance, risk, danger or damage to residents or passerby :-
  - (i) slaughters cattle
  - (ii) drives or rides furiously any cattle or horses
  - (iii) wantonly commits cruelty to any animal.

- (iv) obstructs the taking up or setting, down of passengers at a public transport halting place .
  - (v) exposes any good for sale.
  - (vi) is found drunk riotous; or
  - (vii) indecently exposes himself.
  - (viii) Unauthorizedly affixes any bill, notice or other paper or units or defaces any property belonging to the Government or any public authority .
  - (ix) Commits willful trespass into any property belonging to the Government or any public authority.
  - (x) Knowingly spreads false rumors or given, sends or causes to be given a false alarm to the Police or other essential Service or willfully damages any public alarm system.
  - (xi) Harasses or stalks a woman or makes indecent advances or make makes obscene remarks or gestures to a woman in public place.
- (2) Every person so arrested shall be immediately produced before the nearest Magistrate having jurisdiction, and on connection shall be liable to a fine of upto Rs. 5000/- of simple imprisonment of upto 8 days..

### **13.8 Saving of control of Magistrate of District;-**

Nothing in the preceding sections of this Chapter shall be deemed to interfere with general control of the Magistrate of the District over matters assigned to them

### **13.9 Police-officers to take charge of unclaimed property:-**

A police officer on duty shall take charge of all unclaimed property and take action for their safe custody and disposal in accordance with the procedure prescribed in the Rules.

## **OFFENCES AGAINST THE POLICE**

### **13.10 Obstruction in Police Work**

Any person, who obstructs the discharge of duties and functions of a police officer, shall on conviction will be liable to simple imprisonment not exceeding three months or fine not exceeding five thousand rupees.

**13.11 Unauthorized use of police uniform**

Whoever, not being a member of the State Police wears the uniform of the State police or any dress having the appearance or bearing any of the distinctive marks of that uniform, shall, on conviction, be punished with imprisonment not exceeding three months or fine which may extend to five thousand rupees.

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

Whoever, having ceased to be an enrolled police officer, does not forthwith deliver up his certificate of appointment, clothing, accoutrements and other items supplied for the execution of his duty, shall be liable, on conviction before a Magistrate, to a fine not exceeding five thousand.

**13.13 Making a false or misleading statement.**

Whoever knowingly makes a false statement or a statement which is misleading in material particulars to a police officer for the purpose of obtaining undue benefit to or for the purpose of causing intentional harm to any person shall, on conviction, be punished with imprisonment for a term which may extend to three months and with a fine which may extend to five thousand rupees.

**Offences by Police**

**13.14 Dereliction of duty by a police officer**

- (1) whoever, being a police officer:
  - (i) knowingly *fails* to follow the provision of the law or any rule or instruction there under in the discharge of his official duties, with the intention of giving undue benefit or cause harm to any person.
  - (ii) Knowingly disobeys a direction of law or of his official superior with the intention of giving undue benefit or cause harm to any person.
  - (iii) acts in a manner unbecoming of a police officer; shall, on conviction, be punished with imprisonment for a term which may extend to six months or with a fine which may extend to ten thousand rupees..
- (2) Whoever, being a police officer:
  - (i) exhibits cowardice; or
  - (ii) abdicates duties or withdraws from duties in contravention to section 10 of Chapter XI of the this Act; or
  - (iii) uses criminal force against a superior officer or is grossly insubordinate to superior officer

- (iv) engages himself or participates in any demonstration, procession or Strike, or resorts to, or in any way abets any form of strike, coerces or uses physical force to compel any authority to concede anything; or
- (v) commits sexually harassment either while on duty or by misusing his authority as a police officer or, while on duty or utters any word or gesture or uses criminal force on a woman with intent to outrage her modesty shall, on conviction, be punished with imprisonment for a term which may extend to two year or with a fine which may extend to ten thousand rupees or both.

### **13.15 Arrest, search, seizure and violence**

- (1) Whoever, being a police officer without lawful authority and 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 s/he is legally bound to forward such person; or
- (5) Subjects any person in his custody or with whom s/he may come into contact in the course of duty, to torture or to any kind of unlawful personal violence; 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 two year and shall be liable to fine not exceeding ten thousand rupees.

### **13.16 Plea that act was done under warrant**

- (1) When any action or prosecution shall be brought or any proceeding held against any police-officer for any act done by him in such capacity, it shall be lawful for him to plead that such act was done by him authority of a warrant issued by a Magistrate.
- (2) Such plea shall be proved by the production of the warrant directing the act, and purporting to be signed by such Magistrate and the defendant shall thereupon be entitled to a decree in his favour, notwithstanding any defect to jurisdiction in such Magistrate. No proof of the signature of such Magistrate shall be necessary, unless the Court shall see reason to doubt its being genuine:  
Provided always that any remedy which the party may have against the authority issuing such warrant shall not be affected by anything contained in this section.

**13.17 Prosecution of Police Officers**

- (1) 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 the appointing or disciplinary authority.
- (2) No court below that of a Metropolitan Magistrate or a Magistrate of the First Class shall try any offence under this Act when the accused person or any of the accused person is a police officer, except under the provisions made in Chapter VII of this Act.

**13.18 Prosecution for offences under other laws**

Subject to the provisions contained in section 300 of the Code of Criminal Procedure, 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.

**13.19 Summary disposal of certain cases**

- (1) A court taking cognizance of an offence punishable under sections 13.6 and 13.17 may state upon the summons to be served on the accused person that she/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 not exceeding one thousand rupees in the case of an offence punishable under section 13.6 and in any other case two thousand rupees.
- (2) Where an accused person pleads guilty and remits the sum specified in the summons, under subsection (1), no further proceedings in respect of the offence shall be taken against that person.

**13.20 Recovery of penalties and fines imposed by Magistrates:-**

Provisions of sections 64 to 70 of the Indian Penal Code and sections 386 to 389 of the Code of Criminal Procedure shall apply to penalties and fines imposed under this Act on conviction before a Magistrate.

Provided that notwithstanding anything contained in section 65 of the Indian Penal Code, any person sentenced to fine under section 13.6 & 13.17 may be imprisoned in default of payment of such fine, for any period not exceeding eight days.



**13.21 Limitation of actions**

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

**13.22 Procedure for posting directions and public notices:-**

- (1) All general directions, regulations, and public notices passed under this Chapter shall be published by posting notices in the office of the concerned District Magistrate, Revenue Officer, Panchayat office and 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, and other media/ technology as the Commissioner or Superintendent of Police may deem fit, or by any three or more of these means, or by any other means he may think suitable. Provided that any such direction or 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.
- (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.

## **Chapter 14**

### **Miscellaneous**

#### **14.1 Disposal of fees and rewards:-**

- (1) All fees paid for licenses or written permission issued under this Act and all sums paid for the service of processes by police officers and all rewards, forfeitures and penalties or shares thereof which are by law payable to police officers as informers shall, save in so far as any such fees or sums belong under the provisions of any enactment in force to any local authority, be credited to the State Government.
- (2) Notwithstanding the provision of Sub-section (1), the State Government may create a fund for an object connected with better policing and may by rules made in this behalf, prescribe the procedure for crediting into such fund, such portion of the funds collected under sub-section (1). Any such Rules shall be laid on the table of the State legislature for a period of 30 days and shall be deemed to come into force at the end of such period, and fees, fines, or forfeitures, shall then be credited to the fund in the manner provided in the rules.

#### **14.2 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 provision of the section of the Act applicable thereto.

#### **14.3 Validity of rules and orders**

No rules, 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.

#### **14.4 Officers holding charge of or succeeding to vacancies competent to exercise powers:-**

Whenever in consequence to the office of a Magistrate or police officer becoming vacant any officer holds charge of the post of such 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 Magistrate or police officer, as the case may be.

#### **14.5 Licenses and written permissions to specify conditions, and to be signed**

- (1) Any license or written permission granted under the provisions of this Act shall specify the period and locality for which and the conditions and restrictions subject to which, the same is granted and shall be given under the signature of the competent authority and shall be subject to payment of such fee as is prescribed by any rule under this Act in that behalf.
- (2) Every person to whom an such license 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.

#### **14.6 Revocation of Licences and its consequences:-**

- (i) Any, license 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 are infringed or evaded by the person to whom it has been granted, or if such person is convicted of any offence in any matter to which such license or permission relates.
- (2) When any such license or written permission is suspended or revoked, or when the period for which the same was granted shall for all purposes of this Act; be deemed to be without a license or written permission until the order for suspending or revoking the same is cancelled or until the same is renewed, as the case may be.

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

#### **14.7 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 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, considered 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.

**14.8 Consent of a Competent authority may be proved by written document 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 competent authority, a written document signed by a competent authority purporting to convey or set forth such consent, approval, declaration, opinion or satisfaction shall be sufficient evidence thereof;

**14.9 Signature on notices may be stamped;-**

Every license, written permission, notice, or other document, not being a summons or warrant or search warrant, required by this Act, or by any rule thereunder to bear the signature of the competent authority, shall be deemed to be properly signed if it has been authorized for issue by him and it bears the facsimile of his signature stamped thereon.

**14.10 Power of State Govt. to make rules;-**

- (1) The state Government may frame rules of carryout the purpose of this chapter.
- (2) Without prejudice to the generality of the foregoing powers, rule under this chapter may provide for;-
  - (i) The procedure for utilizing the proceeds credited into the fund constituted under proviso to section 14.1.
  - (ii) Manner of crediting fees, fines and forfeiture to the aforesaid fund.

**14.11 Power to remove difficulty;-**

If any difficulty arises in giving effect to any provision of this Act, the State Govt. may by order, do anything not inconsistent with the provision thereof which appear to it to be necessary or expedient for the purpose of removing the difficulty.

Provided no such order shall be made under this Section after the expiry of 2 years from the commencement of this Act. Every order so made under this Section shall be laid on the table of the Legislature Assembly.

**14.12 Notification of rules 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 published 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 the State Legislature, while it is in session, for a total a period thirty days which may be comprised in one session or in two or more successive sessions, and if before the expiry of the session or in two or more successive sessions, and if before expiry of the session immediately following the session or the successive sessions aforesaid, the House agrees in making any modification in the rule or regulation, as the case may be, said rule or regulation shall thereafter have effect only in such modified form or be of no effect as the case may be.

Provided that any such modification or annulment shall be without prejudice to the validity of anything previously done under that or regulation.

**14.13 Persons aggrieved may apply to State Government to annul, reverse of 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 State Government to annul, reverse, or alter the aforesaid rule or order

**14.14-Repeal and saving ;-**

- (1) The Police Act 1861 in its applicability of the State of Himachal Pradesh is hereby repealed.
- (2) Notwithstanding such repeal, any thing done or any action taken or any proceeding initiated under the Act so repealed shall be deemed to have done or taken or initiated under the corresponding provisions of this Act.

- (3) All references in any enactment to any provisions of the Police Act, 1861 shall be construed as a reference to the corresponding provision of this act.
- (4) Till such time as the State Government frames Rules in this behalf on a particular matter the Rules made by the State Government under the Police Act 1861 or any other law shall be deemed to be Rules framed for the purpose under this Act except to the extent that any such rule is repugnant to a provision of the Act.