

# **THE MADHYA PRADESH POLICE VIDHEYAK, 2002**

Corrected draft after Senior Secretaries' Committee Meeting

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**MADHYA PRADESH BILL  
NO. OF 2001  
THE MADHYA PRADESH POLICE VIDHEYAK, 2002**

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## STATEMENT OF OBJECTS AND REASONS

The nation's founding faith is the primacy of the rule of law and the state police must be organised to promote the dynamic rule of law and render impartial service to people. The police has a paramount obligation and duty to function according to the requirements of the Constitution, law and the democratic aspirations of the people. The functioning of the police requires it to be professional and service oriented and free from extraneous influences and yet accountable to the people. Accordingly it is felt necessary to redefine the duties and responsibilities of the state police comprehensively according to the recommendations of National Police Commission and to provide the state police with appropriate powers to ensure its functioning as an efficient and effective agency for the above purposes. At present the police force in the state of Madhya Pradesh is basically governed by the Police Act 1861 (No.5 of 1861).

2. The state government has, therefore, decided to consolidate and amend the law relating to the regulation of the state police and exercise of powers and performance of functions by the policemen for the investigation and prevention of crimes and maintenance of public order and security of the State.
3. The salient features of the proposed bill are as under :
  - (i) With a view to providing help to women, children, members of scheduled castes, scheduled tribes and other backward classes and to the physically weak and disabled persons, necessary provision has been proposed. The police will also be responsible for arranging permissible sustenance and legal aid to them and preventing their exploitation by any class.
  - (ii) Exemplary punishment to police officers for misconduct and other acts against the members of the public has been proposed.
  - (iii) In special circumstances, the Commissioner of Police or Superintendent of Police is proposed to be empowered to reserve streets or any public place for public purposes and to erect barriers in streets.
  - (iv) The provision for compensation for injuries to persons and damages to property during riots or unlawful assemblies is proposed.
  - (v) The act of affixing notices, advertisement or posters upon public property without the consent of the authority is proposed to be prohibited.
  - (vi) Any person who gives false information about a crime or gives false alarm to fire- brigade shall be punished.
  - (vii) Necessary provision for protection of children indulging in pawn broking and pawn broking itself has been made a specific offence.
  - (viii) The provisions in respect of compounding of offences and summary disposal of cases have been proposed.
4. Hence this Bill.

Bhopal  
Dated.....2002

**Member-in-charge**

**MADHYA PRADESH BILL NO.....0F 2002  
THE MADHYA PRADESH POLICE VIDHEYAK 2002**

**Preamble**

**A Bill to reorganise the police in Madhya Pradesh, reorient its responsibility for good governance and dedicated impartial service in protecting human dignity to improve the quality of life through solicitous care for women, children, members, of the minorities, scheduled castes, scheduled tribes, other backward classes, the poor and the physically and mentally challenged persons and equip it to meet the exigencies of urbanisation, industrialisation and modernisation.**

*Be it enacted by the Madhya Pradesh Legislature in the fifty- second year of The Republic of India, as follows.*

**CHAPTER - I  
CONSTITUTION OF THE FORCE AND APPOINTMENTS**

**Short title, extent  
and commencement**

S.1 NPC Act  
S.1 KLPA  
S.1 BPA,  
S.1 KPA

1. (1) This Act may be called the Madhya Pradesh Police Adhiniyam, 2002
- (2) It extends to the whole of the State of Madhya Pradesh.
- (3) It shall come into force on such date as the State government, may, by notification in the official gazette, appoint.

**Definitions**

S.2 NPC Act  
S.2 BPA  
S.2 KPA  
S.2 DPA

S.2 KLPA  
S.1 TPA

2. In this Act, unless the context otherwise requires -
  - (a) "Cattle" shall, besides horned cattle, include elephants, camels, horses, asses, mules, sheep, etc.
  - (b) 'Competent authority' when used with reference to the exercise of any power or discharge of any duty under the provisions of this Act, means –
    - (i) in relation to areas for which a Commissioner of Police is appointed under Section-7, the Commissioner or the Additional Commissioner when specially empowered in that behalf by the State Government.
    - (ii) in relation to the areas other than those referred to in clause (i), the Superintendent of Police or any other police officer specially empowered in that behalf by the State Government.
  - (c) 'Corporation' means a Municipal Corporation constituted under the Madhya Pradesh Municipal Corporation Act, 1956 (No. 23 of 1956).
  - (d) "District" means any territorial area in the state declared as such by the State Government by a notification.
  - (e) 'Eating house' means any place to which the public are admitted and where any kind of food or drink is supplied for consumption on the premises by any person owning, or having any interest in, or managing such place and includes -
    - (i) a refreshment room, boarding house or coffee house; or
    - (ii) a shop where any kind of food or drink is supplied to the public for consumption in or near such shop, but does not include a place of public entertainment.

(f) 'Municipality' means a municipal council or a nagar panchayat constituted under the Madhya Pradesh Municipalities Act, 1961 (No. 37 of 1961),

(g). 'Place' includes :-

(i) any building, tent, booth or other erection, whether permanent or temporary; and

(ii) any area, whether enclosed or open;

(h). 'Madhya Pradesh police' or 'police force' means the police force referred to in Section-3 and includes all persons enrolled under the Madhya Pradesh Vishesh Sashastra Bal Adhiniyam, 1968(29 of 1968).

(i) "Place of public amusement" means any place where music, singing, dancing or gaming or any other amusement, diversion, or recreation or the means of carrying on the same is provided, to which the public are admitted either on payment of money or with the intention that money may be collected from those admitted persons and includes a race course, circus, theatre, video parlour, music hall, billiards or bagatelle room, gymnasium, fencing school, swimming pool or dancing hall.

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

(k) "Police officer" means any member of the police force appointed under this Act or appointed before the commencement of this Act and includes members of the Indian Police Service allotted to Madhya Pradesh and serving in the State of Madhya Pradesh or special police officer appointed under Sec-55;

(l) "Public place" means any place to which the public have access, and includes -

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

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

(m) "Regulations" means regulations made under this Act;

(n) "Street" includes any highway, bridge, way over a causeway, viaduct or arch or any road, lane, footway, square, court, alley, or passage accessible to the public.

(o) "Subordinate ranks" means the members of the police force of and below the rank of Inspector;

(p) "Superior police officers", means the members of the police force above the rank of Inspector;

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

- (r) "Person" includes a company or association or body of persons, whether incorporated or not;
- (s) "Magistrate of the district" shall mean the chief officer charged with the executive administration of a district and exercising the powers of a Magistrate, by whatever designation, the chief officer charged with such executive administration is styled;
- (t) "Magistrate" shall include all persons within the general police district, exercising all or any of the powers of a Magistrate;
- (u) Words and expressions not defined in this Act and which are defined in the Code of Criminal Procedure 1973 (Act 2 of 1974) shall have the same meaning as in that Code.

**One police force for the entire State**

3. (1) There shall be one police force for the State of Madhya Pradesh and all members of the police force shall be liable for posting to any branch of the force including the armed police.

(2) *The entire police establishment under the State Government shall for the purposes of this Act, be deemed to be one police force and shall be formally enrolled: and shall consist of such a number of officers and men, and shall be constituted in such manner, as shall from time to time be ordered by the State Government, subject to the provisions of this Act, the pay and all other conditions of service of members of the police force shall be such as may be determined by the State Government.*

- S.3 NPC Act
- S.3 BPA
- S.3 KPA
  
- S.3 DPA
- S.3 KLPA

(2) Notwithstanding anything contained in any law for the time being in force

(a) a member of the police force shall be liable to serve in any part

of India; and

(b) a member of the force may be transferred from one part to another part within the State of Madhya Pradesh.

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

4. The Superintendence of the police force throughout the State of Madhya Pradesh vests in and is exercisable by the State Government and any control, direction or supervision exercisable by any officer over any member of the police force shall be exercisable subject to such superintendence.

- S.4 BPA
- S.4 KPA
- S.4 DPA
- S.4 KLPA

**Constitution of police force.**

5. Subject to the provisions of this Act

(a) the police force shall consist of such members in the several ranks and have such organisation and such powers, functions and duties as the State Government may, by general or special order, determine;

(b) the recruitment to and the pay, allowances and all other conditions of service of the police force shall be such as may, from time to time, be determined by the State Government by general or special order:

- S.4 NPC Act
- S.5 BPA
- S.5 KPA
- S.5 DPA
- S.5 KLPA

*Provided that-  
nothing in this clause shall apply to the recruitment, pay, allowances and other conditions of service of the members of the Indian Police Service.*

**Appointment of Director  
General , Inspector  
General, Deputy Inspector  
General Assistant  
Inspector General of Police**

S.5 NPC Acts  
6 BPAS, 6 KPA

6. (1)  
(a) The State Government shall appoint a Director General of Police to direct, control and supervise the police force and he shall exercise such powers and perform such functions and duties and shall have such responsibilities as may be provided by or under this Act or rules made thereunder.  
(b) The Director General of Police shall have the powers of the Commissioner of Police throughout the State, but shall exercise these powers subject to such limitations as may from time to time be imposed by the State Government.  
(2) (a) The State Government may appoint one or more Additional Directors General of Police, one or more Inspectors General of Police and one or more Deputy Inspectors General of Police and one or more Assistant Inspectors General of Police.

- (b) The State Government may direct that any of the powers, functions, duties and responsibilities and the authority of the Director General may be exercised, performed or discharged, as the case may be, by the officers mentioned in clause (a)  
Provided that no such order shall deprive the Director General of Police of his overall charge of any branch of the police force.  
(c) The State Government may also by a general or special order direct the officers mentioned in clause (a) shall aid and assist the Director General in the performance, exercise and discharge of his powers, functions, duties, responsibilities and authority in such manner and to such extent as may be specified in the order.

**Appointment of  
Commissioner of Police,  
Superintendent of Police  
and their superior  
and subordinate officers**

S. 9,17,18 NPC Act  
S. 7,10,11 BPA  
S. 7.11 KPA  
S. 6,7,8 DPA

7. (1) The State Government may appoint a police officer not below rank of a Deputy Inspector General of Police to be the Commissioner of Police for any area specified in a notification issued by the State Government in this behalf and published in the official gazette.  
(2) The State Government may also appoint one or more Additional Commissioners of Police Joint Commissioners of Police, Deputy Commissioners of police, Additional Deputy Commissioners of Police, Assistant Commissioners of Police for the areas specified in sub-section (1).  
(3) The Commissioner of Police shall exercise such powers perform such functions and duties and shall have such responsibilities and authority as are provided by or under this Act or the rules made there under:  
Provided that any of the powers, functions, duties, responsibilities or authority exercisable or to be performed or discharged by the Commissioner of Police shall be exercised, performed or discharged subject to the control of the Director



General.

- (4) The *Commissioner* of Police may, by general or special order, empower an Additional Commissioner of Police, Joint Commissioner of Police, Deputy Commissioner Additional Deputy Commissioner of Police to exercise and perform in the areas for which a Commissioner of Police is appointed under sub-section(1) all or any of the powers, functions or duties to be exercised or performed by a Commissioner of police under this Act or under any law for the time being in force.
- (5) The State Government may appoint for each district a Superintendent of Police and one or more Additional, Assistant and Deputy Superintendents of Police as it may think expedient. The administration of the police throughout the district shall be vested in a Superintendent of Police and such Assistant District Superintendent of Police as the State Government shall consider necessary.
- (6) The Superintendent of Police may, with the previous permission of the Director General of Police delegate any of the powers conferred on him by or under this Act to an Additional Superintendent, Assistant Superintendent, Deputy Superintendent or City Superintendent of Police or Sub Divisional Officer of Police.
8. The administration of the police force throughout the area for which a Commissioner of Police has been appointed under Section-7 shall vest in him.

**Administration of Police**

S. 11 N.P.C Act

S. 10 APPB

**Constitution of Divisions and Sub-divisions**

S.19 NPC Act

S. 12 BPA

9. (1) The State Government, *may* constitute,
- (a) police divisions; *sub- divisions and define the limits*
  - (b) sub-divide the divisions into sub-divisions and
  - (c) define the limits and extent of such divisions and sub divisions.

(2) Each such division shall be under the charge of an officer not below the rank of an Additional Superintendent of Police who is designated as Deputy Commissioner of Police and each sub-division shall be under the charge of an officer not below the rank of a Deputy or Assistant Superintendent of Police, who is designated as Assistant Commissioner of Police. In the district each subdivision shall be under the charge of an officer not below the rank of Deputy Superintendent of Police or Assistant Superintendent of Police who is designated as Sub Divisional Officer of Police or City Superintendent of Police.

**Under what conditions police officer may resign**

S.59 NPC Act

S.29 BPA

S.27 KPA

S.38

10. (1) No police officer shall resign his office or withdraw himself from the duties thereof, unless expressly allowed to do so in writing by the Director General of Police or by such other officer as may be authorised by the Director General of Police to grant such permission or unless he shall have given to his superior officer, notice in writing for a period of not less than two months of his intention to do so. *Where the appointing authority is State or Central Government, prior approval of the Government will be obtained by the Director General of Police before accepting the resignation of the officer.*

**Explanation:** 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.

(2) A Head Constable or a Constable who has agreed to serve for any specific period may not be permitted to resign before the expiry of that period. .

(3) Inspectors, Subedars, Sub-Inspectors, Platoon Commanders or Assistant Sub-Inspectors of Police, whose appointments involve training at any of the Police Training Institutions may not be permitted to resign within three years from the date of their successfully completing the training. Further, in case any of such personnel is allowed to resign before the expiry of the aforesaid period, he shall be required to deposit the salary and allowances received by him and the expenditure involved in his training.

(4) No police officer of subordinate rank whose resignation has been accepted by the appointing authority shall be permitted to withdraw from duty until he has fully discharged all debts, due from him as such police officer to the government or to any police fund and has surrendered his certificate of appointment, arms, accoutrements, uniform and all other government property in his possession and has also rendered a complete account of all government money and property for which he is responsible.

(5) Notwithstanding anything contained in this section, if any police officer of subordinate rank tenders his resignation on medical grounds and produces a certificate signed by the police doctor or any other medical officer authorised by the Director-General of Police in this behalf declaring him to be unfit by reason of disease or mental or physical incapacity for further service in the police, the appointing authority shall forthwith permit him to withdraw from duty on his discharging, or giving a satisfactory security for the payment of, any debt due from him as such police officer to the government or to any police fund. He shall forthwith return the certificate of appointment, arms, accoutrements, uniform and all other government property in his possession before he is permitted to withdraw from duty.

(6) If any such police officer resigns or withdraws himself from the duties of his office in contravention of this section, he shall be liable on the orders of the appointing authority to forfeit all arrears of pay then due to him in addition to the penalty to which he may be liable under this Act or any other law for the time being in force.

(7) Every such police officer on leaving the service in the Madhya Pradesh Police, as aforesaid, shall be given by the appointing authority a discharge certificate in such form as may be prescribed.

**Police officer not to engage in other employment**

S.60 NPC Act

S.28 KPA

S.15 KLPA

S.39 APPB

11. (1) No police officer shall engage in any employment or office whatever, other than his duties under this Act, unless expressly permitted to do so in writing by the Director-General of Police or by *the State Government*.

(2) No police officer shall engage in trade or be in any way concerned either as principal or as agent in any- dealing in land or in any commercial transaction whatever or bid for property sold by order of a criminal court, or have money transactions with any other

police officer.

(3) The prohibitions in sub-sections (1) and (2) shall apply when a police officer is on leave or under suspension as well as when he is on duty.

**Certificate of appointment**

S 8 of 1861 Act  
S. 22 NPC Act  
S. 14 BPA  
S. 13 DPA  
S. 13 KPA

12. (1) Every police officer of the rank of Inspector or below shall, on appointment, receive a certificate in the form provided in Schedule-I. The certificate shall be issued under the seal of such officer as the State Government may, by general or special order, direct.

(2) A certificate of appointment shall become null and void whenever the person named therein ceases to belong to the police force.

(3) *A police officer shall not by reason of being suspended from office cease to be a police officer. During the term of such suspension the powers, functions and privileges vested in him as a police officer shall be in abeyance, but he shall continue subject to the same responsibilities, discipline and penalties and to the same authorities as if he had not been suspended.*

**Certificate, arms, etc. to be delivered up by person ceasing to be a police officer**

S. 8 of 1861 Act  
S. 30 BPA  
S. 29 KPA  
S. 26

13. (1) Every person who for any reason ceases to be a subordinate police officer shall forthwith deliver to the officer empowered by the Director General of Police, Additional Director General of Police, Inspector General of Police, Commissioner of Police, Deputy Inspector General of Police or the head of a training institution or Superintendent of Police or Commandant of Madhya Pradesh Special Armed Force battalion to whom such police officer is subordinate to receive the same, his certificate of appointment and the arms, accoutrements, clothing and other accessories which have been provided to him for the performance of duties and functions connected with his office.

(2) (a) The Director General of Police, Additional Director General of Police, Commissioner of Police, Inspector General of Police, Deputy

Inspector General of Police or the head of a training institution, any Superintendent of Police, Assistant Superintendent or Deputy Superintendent of Police or their counterparts in the Madhya Pradesh Special Armed Force may issue a warrant to search for and seize, wherever they be found, any certificate, arms, accoutrement clothing or other accessories not delivered under sub-section (1).

(b) Every warrant issued shall be executed in accordance with the provisions of the Code of Criminal Procedure 1973, by a police officer, or the police officer issuing warrant so directs, by any other person in the same manner as if it were warrant for a search issued under the Code of Criminal Procedure. 1973 (No.2 of 1974).

(3) Nothing in this Section shall be deemed to apply to any article, which under the orders of the Director General of Police or the Commissioner of Police as the case may be, has become the property of the person to whom the same was furnished.

## CHAPTER –II DUTIES OF THE POLICE

**Duties of a police officer to promote and preserve public order etc.**

S. 43 of NPC Act  
S. 64 of BRA  
S. 65 of KPA  
S. 60 DPA

14. It shall be the duty of every police officer to -

- (i) promote and preserve public order;
- (ii) investigate crimes, apprehend the offenders and participate in subsequent legal proceedings connected therewith;
- (iii) identify problems and situations that are likely to result in the commission of crimes
- (iv) reduce the opportunities for the commission of crimes through preventive patrol and other prescribed police measures;
- (v) aid and cooperate with other relevant agencies in implementing the prescribed measures for prevention of crimes.
- (vi) aid individuals who are in danger of physical harm;
- (vii) create and maintain a feeling of security in the community;
- (viii) facilitate orderly movement of people and vehicles;
- (ix) counsel and resolve conflicts and promote amity;
- (x) provide necessary services and afford relief to people in distress situations;
- (xi) collect intelligence relating to matters affecting public peace and crimes in general, including social and economic offences, national integrity and security; and
- (xii) perform such other duties as may be enjoined on them by law for the time being in force.

**Duties of police officers towards weaker sections, poor person and public.**

S. 44 NPC

15. It shall be the duty of every police officer to -

- (a) register as prescribed by any law all cognizable offences brought to his notice by a complainant in person, or by post, or from his knowledge *or information* and take prompt steps to acknowledge registration of such offences where necessary and proceed with such investigation as is prescribed by law.
- (b) aid and cooperate with other agencies for the prevention of all offences and all wanton destruction of public property by violence, fire and accident;
- (c) prevent such conduct in public places as would prove to be dangerous for the persons indulging in such acts like over-loading of boats during river crossing or driving dangerously and recklessly;
- (d) guide and assist members of the public particularly the women, members of minority, scheduled castes, scheduled tribes and other backward classes, the poor and indigent, disabled or physically weak and children who are either lost or find themselves helpless on the streets or other public places;
- (e) *render medical assistance* to intoxicated persons or lunatics at large;
- (f) assist in preventing the poor and indigent persons from exploitation by any organised group;
- (g) prevent harassment of women and children in public places.
- (h) behave with members of the public with due decorum and courtesy, particularly so in dealing with women and children where strict regard should be paid to decency and *due* gentleness;

- (i) refrain from needless inconvenience to the members of the public in discharge of his duties;
- (j) while taking a person into custody to ensure that he is not denied his rights and privileges and in particular ensuring that an arrested person in custody is able to inform the person of his choice the fact of his detention;
- (k) arrange for legally permissible sustenance and shelter to every person in custody and making known to poor persons in custody the provisions of legal aid schemes being enforced in the state and also inform the authority concerned to provide such aid;
- (l) provide every kind of assistance to victims of all accidents and calamities in particular ensuring that they are given prompt medical aid;
- (m) assist accident victims or their heirs or dependents where applicable for such information and documents as would facilitate their compensation claims and making the victims of road accidents aware of their rights and privileges; and
- (n) show by personal conduct that it is in the general interest of the society to abide by the law in operation.

**Duties of Police Officers to obey and execute orders etc.**

S. 23 of 1861 Act

16. It shall be the duty of every police officer promptly to obey and execute all orders and warrants lawfully issued to him by any competent authority; to collect and communicate intelligence affecting the public peace; to prevent the commission of offences and public nuisances; to detect and bring offenders to justice; and to apprehend all persons whom he is legally authorized to apprehend, and for whose apprehension sufficient ground exists; and it shall be lawful for every police officer, for any of the purpose mentioned in this section, without a warrant, to enter and inspect any drinking shop, gaming house or other place or resort of loose and disorderly characters.

**Police Officers always on duty.**

S. 58 NPC Act

S. 28 BPA

S. 26 KPA

S. 24 DPA

17. 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 deployed as a police officer in any part of the *country*.

**Superior police officer may himself perform duties imposed on a Subordinate officer.**

S. 50 NPC Act

S. 77 KPA

S. 64 DPA

18. 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.

**Police to take charge of unclaimed property.**

S. 25, 26 of 1861 Act

S. 84 NPC Act

S. 82, 87 BPA

S. 75 KPA

S. 66, 67 68 DPA

19. (1) It shall be the duty of every police officer to take temporary charge  
(a) of all unclaimed property found by, or made over to him;  
and  
(b) of all property found lying in any public street, if the owner or person in charge *of* such property, on being directed to remove the same, refuses or fails to do so.

(2) The police officer taking charge of the property under subsection (1) shall furnish an inventory thereof to the Commissioner of Police or Superintendent of Police as the case may be.

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

(4) If the property, or any part thereof, is subject to speedy and natural decay or consists of livestock or if the property appears to be

of the value of less than one thousand rupees, it may forthwith be sold by auction under the orders of the Commissioner of Police or Superintendent of Police, as the case may be, and the net proceeds of such sale shall be dealt with in the same manner as is hereinafter provided for the disposal of the said property.

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

**Powers of police officers while regulating traffic.**

- S. 45 NPC Act
- S. 69 KPA
- S. 67 BPA
- S. 40 APPB

20. It shall be the duty of every police officer-

- (i) to regulate and control the traffic in the streets to prevent obstructions therein and to prevent the contravention of any rule, regulation or order made under this Act or any other law in force for observance by the public in or near the streets;
- (ii) to keep order in the streets and at and within public bathing or washing places, fairs, and all other places of public resort and in the neighbourhood of places of public worship;
- (iii) to keep order and regulate *access* to public bathing and washing places and all other places of public resort, to prevent overcrowding in such places and to prevent contravention of any regulation or order lawfully made for observance by the public at such place; and
- (iv) to prevent the commission of public nuisances.

### CHAPTER III POWERS OF THE POLICE

**Powers to make regulations for regulating traffic and for preservation of order in public place.**

S. 61 NPC  
S. 18 KLPA  
S. 33 BPA  
S. 31 KPA  
S. 28 DPA

21. (1) The Commissioner of Police or Superintendent of Police as the case may be, may *for regulating traffic and for preservation of order in public places* by notification in the Act official gazette make regulations to provide for all or any of the following matters, namely:- .

(a) regulating traffic of all kinds in streets and other public places, *sale or exposure for sale of any goods on any street or portion thereof* and the use of streets and other public places by persons riding, driving, cycling,

walking or leading or accompanying cattle, so as to prevent danger, obstruction or inconvenience to the public;

(b) regulating the conditions under which vehicles may remain standing

in streets and other public places, and the use of streets as halting places

for vehicles or cattle;

(c) *regulating the use of the lights on vehicles with respect to the streets and hours;*

(d) prohibiting the erection, exhibition, fixation or retention of any sign, device or representation for the purpose of advertisement, which is visible against the sky from some point in any street and is hoisted or held aloft over any land, building or structure at such height as may be specified in the regulations having regard to 'the traffic in the vicinity, and the likelihood of such sign, device or representation at that height being a distraction, or causing obstruction, to such traffic;

(e) specifying certain hours of the day during which cattle shall not be driven, or as the case may be, driven only in accordance with such regulations, along the streets, or along certain specified streets;

(f) fixing speed limits for vehicles on roads, restricting the use of vehicles on roads and bridges, erecting or causing to be erected traffic signs;

(g) regulating and controlling the manner and mode of conveying timber, scaffold poles, ladders, iron girders, beams or bars, boilers or other unwieldy articles through the streets, and the route and hours for such conveyance,

(h) in order to prevent obstruction, inconvenience, annoyance, risk, danger or damage to the residents or passengers in the vicinity, prohibiting the carrying in streets and public places of gunpowder or any other explosive substance;

(i) prohibiting except along certain specified streets and during specified hours and subject to such conditions as may be specified in that behalf, the exposure or movement in any street of persons or animals suffering from contagious or infectious diseases, the carcasses of animals or parts of such carcasses or corpses of persons deceased;

(j) specifying certain hours of the day during which odorous or offensive matter or objects shall not be taken from or into houses or building in certain streets or conveyed through such streets except in



accordance with such regulations;

(k) regulating the conduct of or behaviour or action of persons constituting assemblies and processions on or along the street *as occasion requires* and specifying in the case of processions, the routes by which, the order in which and times at which the same may pass;

(l) prohibiting the hanging or placing of any cord or pole across a street or part thereof, or the making of a projection of structure so as to obstruct traffic or the free access of light and air,

(m) closing certain streets or places temporarily, in cases of danger from ruinous buildings or other cause, with such exceptions as shall appear reasonable;

(n) guarding against injury to person and property in the construction, repair and demolition of buildings, platforms and other structures from which danger may arise to passengers, neighbours or the public;

(o) prohibiting the setting of fire to or burning of any straw or other matter, or wantonly discharging a fire arm or air gun, or letting off or throwing a fire work, sending up a fire balloon or rocket in or upon a street or within fifty feet of a street or building or the putting up of any post or other thing on the side of or across a street for the purpose of affixing thereto lamps or other contrivances for illumination except in accordance with regulations in this behalf;

(p) (i) controlling in the interest of public order, decency or morality or in the interest of the general public (with such exceptions as may be specified in such regulations), musical, dancing, mimetic or theatrical or other performances for public amusement, including melas;

(ii) regulating the hours during which and the places at which such performances may be given.

(q) regulating the entry of persons to a place of public amusement *for*

*the purpose of preventing overcrowding and ensuring safety measures;*

(r) prescribing the procedure in accordance with which any permission sought to be obtained or required under this Act should be applied for

and fixing the fees to be charged for any such permission:

(2) The power of making regulations under this section shall be subject to the condition of the regulations being made, after previous publication and for the purposes of Section-24 of the Madhya Pradesh General Clauses Act, 1957 (No.3 of 1958), such regulations shall be deemed to be rules, and every regulation made, under this section, shall also be published in the locality affected thereby affixing copies thereof in conspicuous places near to the building, structure, work or place, as the case may be, to which the same specially relates or by proclaiming the same by the beating of drum or by advertising the same in such local newspapers as the Commissioner of Police or Superintendent of Police may deem fit or by any two or more of these means, or by any other means he may think suitable. *Objections if any received within three weeks after the publication of notice shall be heard and speaking order shall be passed.*

(3) If any regulation made under this section relates to any matter with respect to which there is a provision in any law, rule or byelaw of the Corporation or of any other municipal or local authority in relation to public health, convenience or safety of the locality such regulation shall be subject to such law, rule or bye-law.

**Powers to reserve street or other public places for public purpose and power to authorise erecting barriers in streets.**

S. 69 NPC  
S. 24 KLPA  
S. 34 BPA

S. 32 KPA  
S. 36 DPA

22. (1) The Commissioner of Police or Superintendent of Police 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 by him.

(2) The Commissioner of Police or Superintendent of Police may, whenever in his opinion such action is necessary-

(a) authorise such police officer as he thinks fit to erect barriers on any street for the purpose of stopping temporarily vehicles driven on such street so as to satisfy himself that the provisions of any law for the time being in force have not been contravened in respect of any such vehicle or by the driver or person in charge of such vehicle;

(b) make such orders as he deems fit for regulating the use of such barriers.

**General Powers of Commissioner of Police and Superintendent of Police over police force under them.**

S. 24 NPC  
S. 16 BPA  
S. 15 KPA  
S. 15 DPA

23. The Commissioner of Police or the Superintendent of Police, subject to the order of the Director General of Police shall, within their respective jurisdiction direct and regulate all matters of arms, drill, exercise, *manner of* observation of persons and events, mutual relations, distribution of duties, study of laws. Act orders and modes of proceeding and all matters of executive detail or the fulfilment of their duties by the police force under him.

**Maintenance of order at religious or ceremonial display**

S. 67 NPC Act  
40 BPA  
S. 39 KPA  
S. 34 DPA  
  
S. 28 KLPA

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

**Power of State government to Authorize Commissioner of Police and certain other officers to exercise powers of District Magistrate and**

25. (1) The State Government may, by notification in the official gazette and subject to such conditions and limitations as may be specified therein, empower-

(a) the Commissioner of Police to exercise and perform areas under his respective charge the powers and duties of an Executive Magistrate *and of a District Magistrate* under the

**Executive Magistrates.**

S. 81 NPC Act  
S. 70 DPA  
S. 5 of 1861 Act  
S. 47 Hyd CPA

provisions of the provision of section -20[5] of the Code of Criminal Procedure 1973)(No. 2 of 1974 as may be specified in the notification;

(b) any officer subordinate to the Commissioner of Police (not being an officer below the rank of an Assistant Superintendent or Deputy Superintendent of Police) to exercise and perform in relation to such areas as may be specified in the notification, the powers and duties of an Executive Magistrate under such of the provisions of the said Code as may be specified in the notification.

(2) Every officer subordinate to the Commissioner of Police, shall in the exercise and performance of any powers and duties which he is empowered to exercise or perform under sub-section (1), be subject to the general control of the Commissioner of Police.

(3) The Commissioner of Police or any officer subordinate to him shall not be subject, in the exercise and performance of any powers and duties which he is empowered to exercise and perform under sub-section(1), to the general control of the District Magistrate appointed under section-20 of the said Code.

(4) The provisions of this section shall have effect notwithstanding anything contained in the said Code.

(5) Every notification issued under this section shall be laid on the table of the legislative assembly.

**Powers of Commissioner of Police under other Acts**

S. 83 NPC Act  
S. 146 DPA

26. (1) *The Commissioner of Police shall exercise all powers and discharge all functions which may be exercised or discharged by a District Magistrate under the Acts mentioned in Schedule-II including the rules made thereunder.*

(2) The Commissioner of Police may authorise any Joint Commissioner of Police, Additional Commissioner of Police, Deputy Commissioner of Police or Additional Deputy Commissioner of Police to *exercise any of the powers or discharge any of the functions* of the Commissioner of Police mentioned in sub-section (1) in accordance with the general or , special orders of the State Government.

**Framing of rules for administration of the Police**

S. 52 NPC Act  
S. 9 T.N. Dist PA  
S. 12 of 1861 Act  
S. 23 BPA  
S. 21 KPA  
S. 16 KLPA  
S. 19 DPA

27. Subject to the *approval* of the State Government, the Director General of Police may make rules or orders not inconsistent with this Act or with any other enactment for the time being in force :-

(a) regulating the inspection of the police force by his subordinates;  
(b) determining the description and quantity of arms, accoutrements, clothing and other necessaries to be furnished to the police;

(c) prescribing the places of residence of members of the police force;

(d) for the institution, management and regulation of any police fund

for any purpose connected with police administration;

(e) regulating the distribution, movements and location of the police;

(f) assigning duties to police officers of all ranks and grades and prescribing-

(i) the manner in which, and

- (ii) the conditions subject to which they shall exercise and perform their respective powers and duties;
- (g) regulating the collection and communication by the police of intelligence and information;
  - (b) prescribing the registers and books mentioned under Chapter-XII of Code of Criminal Procedure, 1973 to be maintained and the returns to be submitted by police officers; and
  - (i) generally for the purpose of rendering the police efficient and preventing abuse or neglect of their duties.

**Prosecution for certain offences against this Act to be in the discretion of police.**

- S. 151 BPA
- S. 127 KPA
- S. 128 DPA

28. It shall not, except in obedience to a rule, regulation or order made by the State Government or by the Director General of Police, be incumbent on the police *officer* to prosecute for an offence punishable under section 33, section 34 *and* section 37 when such offence has not occasioned serious mischief and has been promptly desisted from on a warning being given.

**Power to compound certain offences.**

- S. 136 NPC Act
- S. 93 APPB

29. An offence punishable under sections 33,34, *and* section 37 may be compounded if the offender pays, on the spot or at a designated place on demand by a police officer of such rank as the State Government may, notification in the official gazette prescribe, such amount as may be prescribed for the offence by the State Government.

**Summary disposal of certain cases.**

- S. 137 NPC Act
- S. 151 (A) BPA
- S. 127 KPA
- S. 129 DPA

30. (1) A court taking cognizance of an offence punishable under section 33, 34 *and* section 37 may state upon the summons *to be* served on the accused person that he may, by a specified date prior to the hearing of the charge, plead guilty to the charge by a registered letter and remit to the court such sum not exceeding five hundred rupees in case of an offence punishable under sections 33,34,*and* section 37 and in any other case two hundred rupees as the court may specify.

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

## CHAPTER-IV PENALTIES AGAINST THE PUBLIC

**Penalty for making false or misleading statement and misconduct of police officers.**

S. 128 NPC Act  
S. 145 BPA

S. 110 KPA  
S. 122 BPA  
S. 86 APPB

31. (a) Any person who makes a false statement or statement which is misleading in a material particular or uses a false document for the purpose of obtaining employment or release from employment as a police officer; or

(b) Any police officer who is guilty of -

(i) malingering or feigning or voluntarily causing hurt to himself with the intention to render himself unfit for service; or

(ii) being grossly insubordinate to his superior officers or using criminal force against superior officers; or

(iii) engaging himself or participating in any demonstration, procession or strike or resorting to or in any way abetting any form of strike or coercion or physical duress to force any authority to concede anything;

shall, on conviction, be punished with imprisonment for a term which may extend to two years or with fine which may extend to two thousand rupees, or with both; *and in default of payment of fine with imprisonment of either description for a term which may extend to three months.*

**Penalty for contravention of regulation under Section-21.**

S. 119 NPC Act  
S. 131 BPA  
S. 109 KPA  
S. 110 DPA

32. Whoever contravenes or abets the contravention of, any regulation made under Section-21 or any of the conditions of a *permission* issued under such regulation shall, on conviction, be punished -

(a) if the regulation is made under clause (a) of sub-section (1) of Section-21 providing for the prohibition of the sale or exposure for sale, of any goods on any street or portion thereof-

(i) for the first offence, with imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both; and *in default of payment of fine with imprisonment of either description for a term which may extend to one month.*

(ii) for any subsequent offences, with imprisonment for a term which may extend to six months and with fine which may extend to one thousand rupees; *and in default of payment of fine with imprisonment of either description for a term which may extend to three months.*

(b) if the regulation was made under clause (c), (g), (h), or (i) or clause (o) of sub section (1) of Section-21, with fine which may extend to two hundred rupees, and *in default of payment of fine with imprisonment of either description for a term which may extend to one month.*

(c) if the regulation was made under any other clause of subsection(l) of section-21 and for contravention of which no penalty is provided under clause (a) or (b) of this section, with fine which may extend to two hundred rupees; *and in default of payment of fine with imprisonment of either description for a term which may extend to one month.*

**Penalties for contravention of orders made under Section-22.**

S. 123 NPC Act

**Punishment of certain offences on roads and other places**

S. 34 Police Act

33. Whoever contravenes or abets the contravention of any regulation, notice or order made under section - 22 shall, on conviction, be punished with imprisonment which may extend to three months, or with fine which may extend to one thousand rupees or with both; *and in default of payment of fine with imprisonment of either description for a term which may extend to three months.*

34. Any person who, on any road or in any open place or street or thoroughfare within the limits of any *area comprising any municipal corporation or municipality or nagar panchayat or cantonment* commits any of the following offences, to the obstruction, inconvenience, annoyance, risk, danger or damage of the residents or passengers shall, on conviction before a magistrate, be liable to a fine not exceeding one thousand rupees, or to imprisonment not exceeding thirty days, *and in default of payment of fine to imprisonment of either description for a term which may extend to fifteen days* and it shall be lawful for any police officer to arrest without a warrant, any person who within his view commits any such offences, namely:-

(1) Any person who slaughters any cattle or cleans any carcass; any person who rides or drives any cattle recklessly or furiously, or trains or breaks any horse or other cattle.

(2) Any person who wantonly or cruelly beats, abuses or tortures any animal.

(3) Any person who keeps any cattle or conveyance of any kind standing longer than is required for loading or unloading or for taking up or setting down passengers, or who leaves any conveyance in such a manner as to cause inconvenience or danger to the public.

(4) Any person who exposes any goods for sale.

(5) Any person who throws or lays down any dirt, filth, rubbish or any stones or building materials; or who constructs any cowshed stable or the like or who causes any offensive matter to run from any house, factory, dung-heap or the like.

(6) Any person who is found drunk or riotous or who is incapable of taking care of himself.

(7) Any person who willfully and indecently exposes his person, or any offensive deformity or disease, or commits nuisance by easing himself, or by bathing or washing in any tank or reservoir not being a place set apart for that purpose.

(8) Any person who neglects to fence in or duly to protect any well, tank or other dangerous place or structure.

**Omission by pawn brokers to report to police possession or tender of property suspected to be stolen.**

S. 114 NPC Act

S. 126 BPA

S. 99 KPA

S. 104 DPA

S. 77 APPB

35. Whoever being a pawn broker, dealer in second hand property or worker in metals or reasonably believed to be such a person by the Commissioner of Police or Superintendent of Police and having received from a police officer written or printed information in relation to any property suspected to have been transferred by an offence mentioned in Section-410 of the Indian Penal Code 1860 (No.45 of1860) or by any offence punishable under Section-417, 418, 419 or 420 of the said Code, is found in possession, or after the receipt of such information, comes into possession or has an offer, either by way of sale, pawn, exchange, or

for custody, alteration or otherwise howsoever, made to him, of properly answering the description contained in such information, shall, unless-

(i) he forthwith gives information to the Commissioner of Police or Superintendent of Police, as the case may be, or at a police station of such possession or offer and takes all reasonable means to ascertain and to give information as aforesaid of the name and address of the person from whom the possession or offer was received; or

(ii) the property being an article of common wearing apparel or otherwise is incapable of identification from written or printed information given and has been in no way concealed after the receipt of such information.

on conviction, be punished with imprisonment upto six months or fine which may extend to one thousand rupees *and in default of payment of fine with imprisonment of either description for a term which may extend to three months* in respect of each such article of property so in his possession or offered to him.

**Melting of property referred to in Section-35**

S. 114 NPC Act  
S. 126 BPA  
S. 99 KPA  
S. 104 DPA  
S. 77 APPB

36. Whoever having received such information as is referred to in section-36 alters, melts, defaces or puts away without the previous permission of the police, any such property as is referred to in that section shall, on proof that the same was stolen property within the meaning of section-410 of the Indian Penal Code 1860 (No. 45 of 1860) or property in respect of which any offence punishable under section 417, section-418, section-419 or section-420 of the said Code has been committed, be punished with imprisonment for a term which may extend to three years or with fine or with both; *and in default of payment of fine with imprisonment of either description for a term which may extend to three months.*

**Taking pledge from child**

S. 116 NPC Act  
S. 128 BPA  
S. 101 KPA  
S. 106 DPA

37. Whoever takes from any child, *below* the age of 14 years, any article

whatsoever as a pawn, pledge or security for any sum of money lent, advanced or delivered to such child or without the knowledge and consent of the owner of the article buys from such child any article, whatsoever, shall, on conviction, be punished with fine which may extend to five hundred rupees; *and in default of payment of fine with imprisonment of either description for a term which may extend to one month.*

**Affixing notice upon public property without consent of authority**

S. 105 NPC Act  
S. 92 (v) KPA  
S. 116 BPA  
S. 69&70 APPB

38. No person shall without the consent of the State Government or public authority concerned, affix or cause to be affixed any bill, notice, or other paper upon any lamp-post, tree, letter-box, transformer, street or any other property belonging to the State Government or Central Government, or any public authority or write upon or deface or mark or cause to be written upon or defaced or marked on any such lamp-post, tree, letter-box, transformer, street or other property.

**Disregard of notice in public building**

S. 116 BPA

39. *No persons shall, in any court, Police Station or building occupied by Government or building occupied by any public body, smoke or spit in contravention of a notice by an authority in charge of such place and affixed to such court, station or building.*

**Penalty for Offenders Under sections 38 & 39**

S. 117 BPA

40. *Any person who contravenes any of the provisions of section 38 or section 39 shall on conviction, be punished with fine which may extend to five hundred rupees; and in default of payment of fine with imprisonment of either description for a term which may extend to one month.*

**False alarm of fire or damage to fire-brigade**

S. 111 NPC Act

S. 121 BPA

S. 95 KPA

S. 101 DPA

41. Whoever knowingly gives or causes to be given

(i) false information to the police about a crime or a riot or breach of peace or planting of explosives; or

(ii) false alarm to the fire-brigade of the State Government or the corporation or a municipality or to any officer or fireman thereof, whether by means of a street fire alarm, statement, message or otherwise, or with intent to give such false alarm willfully breaks the glass of, or otherwise damages a street fire alarm shall, on conviction, be punished with fine which may extend to five thousand rupees; *and in default of payment of fine with imprisonment of either description for a term which may extend to three months.*

**Liability of licensee of place of public amusement or entertainment for acts of servants.**

S. 120 NPC Act

S. 131 (AA) BPA

S. 104 KPA

S. 111 DPA

42. The holder of a license in respect of a place of public amusement or public entertainment shall be responsible, as well as the primary offender for any offence under section-32 committed by his servant or other agent acting with his express or implied permission on his behalf as if he himself committed the same, unless he establishes that all due and reasonable precautions were taken by him to prevent the commission of such offence.

**Dangerous performance**

S. 127 NPC Act

S. 143 (B) BPA

S. 119 DPA

43 (1) No person shall without the previous permission of the Commissioner of Police or Superintendent of Police, at the case may be, and except in accordance with any conditions subject to which such permission is granted, hold or give in any place which is likely to cause an assembly of persons, any performance in which or during which, he buries himself underground or seals himself or causes himself to be buried or sealed in any room or receptacle or other thing. in such manner as to prevent all access of air to him and for such time as could ordinarily result in death by suffocation;

(2) If any person contravenes or attempts to contravene the provisions of sub-section (1), he shall, on conviction, be punished with imprisonment for a term which may extend to one year or with fine or with both; *and in default of payment of fine with imprisonment of either description for a term which may extend to three months.*

(3) Notwithstanding anything contained in the Code of Criminal Procedure 1973, the offence punishable under this section shall be cognizable.



**Prosecution for offences under other enactments not affected.**

S. 134 NPC Act

S. 152 BPA

S. 130 DPA

**Vexatious entry, search, arrest by police officer.**

S. 129 NPC Act

S. 147 BPA

S. 120 KPA

S. 124 DPA

44. Subject to the provisions contained in section 300 of the Code of Criminal Procedure 1973, nothing in this Act shall be construed to prevent any person from being prosecuted and punished under any other law for anything made punishable by this Act or from being prosecuted and punished under this Act for anything made punishable under any other law.

45 Any police officer who

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

(b) vexatiously and unnecessarily seizes the property of any person;

(c) vexatiously and unnecessarily detains, searches or arrests any person;

(d) offers any unnecessary personal violence to any person in his custody;

(e) holds out any threat or promise not warranted by law to an accused person;

shall on conviction for every such offence, be punished with imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both; *and in default of payment of fine with imprisonment of either description for a term which may extend to three months.*

## CHAPTER-V DISCIPLINARY ACTION AGAINST THE POLICE

### Disciplinary penalties

S. 7 of 1861 Act  
S. 53 NPC Act  
S. 25 BPA  
S.6 KPA  
S. 21 DPA

46 (1) Subject to the provisions of Article 311 of the Constitution of India and the Rules framed thereunder, the Director General of Police, Additional Director General of Police, Inspector General of Police, Commissioner of Police, Deputy Inspector General of Police, Assistant Inspector General of Police, Superintendent of Police, Commandants or any other officer of an equivalent rank may award to any police officer of a subordinate rank any of the following punishments, namely

- (a) dismissal;
- (b) removal from service;
- (c) reduction in rank, *grade* or *pay*.
- (d) withholding of increments;
- (e) withholding of promotion;
- (f) fine not exceeding one month's pay;
- (g) compulsory retirement;
- (h) stoppage of stagnation allowances; and
- (i) recovery of pecuniary loss in whole or in part caused to the State Government.

(j) *censure*

(2) Subject to the rules-

- (a) any police officer specified in sub-section (1) may award the punishment of censure to any police officer of subordinate rank;
- (b) the Assistant or *Deputy* or *Additional Superintendent* of Police or any other officer of equivalent rank, may award the punishment of censure to police officers below the rank of Sub-Inspector; and
- (c) any police officer of and above the rank of *Deputy Superintendent of Police* may award punishment drill, extra guard, fatigue or other punitive duty, not exceeding fifteen days, with or without confinement to quarter guard to Constables and Head Constables: .

Provided that the following shall not amount to a penalty within the meaning of this section-

- (i) Withholding increment of a police officer for failure to pass a departmental examination in accordance with the rules or orders governing the service or post or the terms of his appointment;
- (ii) Stoppage in the time bound scale to a police officer;
- (iii) Non-promotion, whether in a substantive or officiating capacity of a police officer, after consideration of his case, to a class, grade or post for promotion to which he is eligible;
- (iv) Reversion to a lower class, grade or post of a police officer officiating in a higher class, grade or post on the ground that he is considered, after trial, to be unsuitable for such higher class, grade or post or on administrative grounds unconnected with his conduct ;
- (v) Reversion to his permanent class, grade or post of police officer appointed on probation to another class, grade or post during or at the end of the period of probation in accordance with the terms of his appointment or the rules and orders governing probation

- (vi) Compulsory retirement of a police officer in accordance with the provisions relating to his superannuation or retirement;
- (vii) Termination of service-
  - (a) of a person employed under an agreement, in accordance with the terms of such agreement; or
  - (b) of a person appointed, otherwise than under an agreement, to hold a temporary appointment on the expiration of the period of appointment.
- (3) Nothing in sub-section (1) -
  - (a) shall entitle any authority subordinate to that by which the police officer was appointed, to compulsorily retire, remove or dismiss him; or
  - (b) shall apply to any member of the Indian Police Service allotted to Madhya Pradesh.
- (4) Nothing in sub-section (1) or sub-section (2) shall affect any police officer's liability for prosecution and punishment for any offence committed by him.

**Power to suspend**

S. 7 of 1861 Act

S. 54 NPC Act

S. 25 (2) BPA

S. 6 KLPA

S. 23 KPA

S. 21 DPA

47 (1) The Director General of Police, Additional Director General of Police, Inspector General of Police, Commissioner of Police, Deputy Inspector General of Police, Assistant Inspector General of Police,

Superintendents of Police, Commandants of Madhya Pradesh Special

Armed Force battalions and any other officer of an equivalent rank may

place a police officer *of subordinate rank* under suspension *as specified in schedule-III-*

(a) where a disciplinary proceeding against him is contemplated or is pending;

(b) where in the opinion of the authority aforesaid, he has engaged himself in activities prejudicial to the interests or the security of the state; or

(c) where a case against him in respect of any criminal offence is under investigation, inquiry or trial and if in the opinion of the authority aforesaid there is a prima-facie case;

(d) where an enquiry or investigation into charges involving insubordination, moral turpitude, riotous behaviour and such other conduct is contemplated;

(e) where his conduct prima-facie amounts to cowardice;

(f) where taking cognizance of an offence is willfully neglected;

(g) for intentionally causing disappearance of evidence;

(h) for disobedience of any lawful order;

(i) unauthorized absence or withdrawing from duties without notice;

(j) for any grave misconduct which if proved, would entail a major penalty.

(2) An order of suspension made under this section shall continue to remain in force until it is modified or revoked by the authority competent to do so. *However in cases other than those mentioned under clause(c) of sub section-I, the police officer under suspension shall be released from suspension if the charge- sheet is not served to him within 45 days from the date of the order of suspension.*

(3) 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.

(4) An order of suspension made may, at any time, be modified or revoked by the authority which made the order or by any authority to which that authority is subordinate.

**Appellate and Revisional powers of State Govt., Director General, Additional Director General, Commissioner, Inspector- General and Deputy Inspector General of Police**

S. 28 (A)BPA

S. 25 KPA

48. The provisions for filing appeals and procedure thereof shall be applicable in such manner as provided in the Police Regulations. The State Government, the Director General of Police, Additional Director General of Police, Commissioner of Police, Inspector General of Police or Deputy Inspector General of Police may, suo moto or on application made to him within three years of the date of the order if *no* appeal *has been* filed, call for and examine the record of any enquiry or proceeding if any subordinate police officer for the purpose of satisfying itself or himself, as the case may be, as to the legality or propriety of any decision or order passed by, and as to the case may be, as to the legality or propriety of any decision or order passed by, and as to the regularity of the proceedings of such officer, and may, at any time-

- (a) confirm, modify or reverse any such order;
- (b) set aside or reduce the penalty imposed by such order;
- (c) direct that further enquiry may be held; or
- (d) make such other order as, in the circumstances of the case, it or he may deem fit;

Provided that an order in revision shall not be passed unless the police officer affected thereby has been given a reasonable opportunity of being heard:

Provided further that no order in revision shall be passed in a case wherein an appeal against such decision or order, has not been filed, before the expiry of the period provided for filing such appeal.

**Penalties for neglect of duties**

S. 41 KLPA

49. Any police officer who -

- (a) contravenes the provisions of section 11;
- (b) is guilty of cowardice;
- (c) resigns his office or withdraws himself from the duties thereof in contravention of section-10;
- (d) is guilty of any willful breach or neglect of any provision of law or any rule or order which it is his duty as such police officer to observe or obey; or
- (e) is guilty of any violation of duty for which no punishment is expressly provided,

shall, on conviction, be liable to imprisonment for a term which may extend to three months, or to fine which may extend to one

thousand rupees, or with both; and in default of payment of fine to imprisonment of either description for a term which may extend to three months.

**Prosecution of Police officers.**

S. 132 NPC Act

S. 151 BPA

S. 126 KPA

S. 128 DPA

50. (1) No court shall take cognizance of any offence under this Act, when the accused person or anyone of the accused is a police officer except on a report in writing of the facts constituting such offence by, or with the previous sanction of the Director General of Police.

(2) No court below that of a magistrate of the first class, shall try any offence under this Act when the accused person or anyone of the accused persons is a police officer.

## CHAPTER-VI OTHER PROVISIONS

### **Employment of additional police to keep peace.**

S. 71 NPC

S. 47 BPA

S. 46 KPA

S. 8 KLPA

51. (1) *It shall be lawful for the Commissioner of Police or Superintendent of Police, as the case may be to depute, on the application of any person showing the necessity thereof, any additional number of police officers to keep the peace, to preserve order in, to enforce any of the provisions of this Act or of any other law respect of any particular class or classes of offences or to perform at any place in the area under his charge.*

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

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

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

### **Employment of additional police in cases of special danger to public peace.**

S. 72 NPC Act

S. 50 BPA

52 (1) If in the opinion of the State Government any area in the state is in a disturbed or dangerous condition or the conduct of the inhabitants or of any particular section or class of inhabitants of such area renders it expedient to employ temporarily additional police in the area, it may, by notification in the official gazette specify the area

S. 49 KPA  
S. 30 DPA

(hereinafter in this section referred to as the disturbed area) in which, and the period for which, the additional police shall be employed and thereupon the Commissioner of Police or Superintendent of Police shall depute such number of additional police as he considers necessary in the disturbed area;

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

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

(3) The State Government may exempt, by order in writing, and for sufficient reasons, any person from liability to bear any portion of the cost of such additional force.

**Explanation:** In this Section and in Section-54, the expression 'inhabitants' when used in relation to any disturbed area includes persons who themselves or by their agents or servants occupy or hold land or other immovable property within such area and landlords who themselves or by their agents or servants collect rent from holders or occupants of land in such area notwithstanding that they do not actually reside therein.

**Employment of large works and when apprehension regarding behaviour of employees exists.**

S. 73 NPC Act  
S. 48 BPA  
S. 9 KLPA  
S. 47 KPA

53.(1) *Whenever any railway, canal or other large work which is being carried on or any public amusement which is being conducted is likely to impede the traffic or to attract large number of people and it shall appear to the Director General of Police or Commissioner of Police that the employment of additional police in such place is rendered necessary by the behaviour or reasonable apprehension of the behaviour of the persons employed upon such work public amusement, manufactory or concerned, it shall be lawful for the Director General of Police or Commissioner of Police, with the consent of the state government, to depute such number of additional police to such place, and to employ the same so long as such necessity shall continue. Such additional police shall be employed at the cost of the person by whom the work, public amusement, manufactory or concerned is being constructed conducted or carried on and the said person shall pay the cost thereof at such rates as the Director General of Police or Commissioner of Police as the case may be, shall, with the permission of the state government, require from time to time.*

**Compensation for injury caused by unlawful assembly. How recoverable**

S. 74 NPC Act  
S. 51 BPA

54. (1) When any loss or damage is caused to any property or when death results or grievous hurt is caused to any person or persons by anything done in the prosecution of the common object of an unlawful assembly, the State Government may, by notification in the official gazette, specify the area (hereafter in this section called the "disturbed



S. 50 KPA  
S. 41 DPA

area") in which, and the date on which or the period during which, such unlawful assembly in its opinion, took place.

(2) On the issue of a notification under sub-section (1), the State Government or any authority nominated by the State Government may, after such enquiry, as it deems necessary, determine the amount of the compensation, which in its opinion, should be paid to any person or persons in respect of the loss or damage or death or grievous hurt aforesaid.

(3) The amount of compensation shall be deemed to be a fine imposed under this section and shall be payable by the inhabitants of the disturbed area.

(4) It shall be lawful for the State Government or any authority nominated by the State Government to exempt by order in writing and for sufficient reasons any person from liability to pay any portion of the compensation amount.

(5) In the event of any dispute relating to the cost payable under Section 52 or section 53 or the compensation determined under sub-sections (1), (2) and (3) of this section, the person or persons or the section or class of persons by whom or the proportion in which such cost or compensation should be paid, the matter shall be referred by the State Government or any authority nominated by the State Government as the case may be, on an application made in that behalf by the aggrieved to the Chief Judicial Magistrate, whose decision thereof shall be final.

(6) Any amount payable under section 51, section 52, section 53, or under sub-sections (1), (2) and (3) of this section shall be recovered in the same manner as if it were arrears of land revenue.

(7) The State Government or any authority nominated by the State Government shall pay, from the amount recovered by it as compensation payable under sub-sections (1), (2) and (3) of this section such amount as it deems just and proper by way of compensation to any person who has suffered loss or damage to property or grievous hurt or to the legal heirs of any person who died, by reason of anything done in the prosecution of the common object of the unlawful assembly.

(8) No compensation shall be paid under this section, except when a claim has been made therefor within forty-five days from the date of the notification referred to in sub-section (1) and the State Government or any authority nominated by the State Government is satisfied that the claimant, where the claim is by the person who suffered the loss, damage or grievous hurt or the deceased, where the claim is by the legal heirs of such deceased, has been free from blame in connection with the occurrence which led to the loss, damage, grievous hurt or death.

(9) The compensation payable to any person under sub-section (7) shall not in any way be capable of being assigned or charged or be liable to attachment or to pass to any person other than the person entitled to it by operation of law nor shall any claim be set off against the same.

(10) No civil suit shall be maintainable in respect of any loss, damage

or grievous hurt for which compensation has been granted under this section.

(11) Without prejudice to the provisions contained in sub-section (6) all amounts payable under section 52 or section 53 shall be recoverable in the manner provided in sections 421 and 422 of the Code of Criminal Procedure 1973 as if each such amount were a fine imposed on any offender by a court.

**Special Police Officers**

S. 26 NPC Act

Ss.17, 18 & 19

Police Act

55. *When it shall appear that any unlawful assembly, or riot or disturbance of the peace has taken place, or may be reasonably apprehended, and that the police force ordinarily employed for preserving the peace is not sufficient for its preservation and for protection of the inhabitants and the security of property in the place where such unlawful assembly or riot or disturbance of the peace has occurred or is apprehended, it shall be lawful for the Commissioner of Police to appoint in his area so many of the residents of the neighbourhood as he may require to act as special police officers for such time and within such limits as he shall deem necessary. In other areas it shall be lawful for any police officer not below the rank of Inspector to apply to the Magistrate to appoint so many of the residents of the neighbourhood as such police officer may require to act as special police officers for such time and within such limit as he shall deem necessary; and the Magistrate to whom such application is made shall, unless he sees cause to the contrary, comply with the application.*

**Powers of Special Police Officers**

S. 18 Police Act

56. Every special police officer so appointed, shall on appointment,-  
(a) receive a certificate in a form approved by the State Government in this behalf,  
(b) have the same powers, privileges and amenities and be liable to the same duties and responsibilities and be subject to the same authorities as an ordinary police officer.

**Refusal to serve as Special Police Officer**

S. 19 Police Act

57. If any person, being appointed a special police officer as aforesaid, without sufficient excuse, neglects or refuses to serve as such or to obey such lawful order or direction as may be given to him for the performance of his duties, he shall be liable, on conviction, before a magistrate, to a fine not exceeding five hundred rupees for such neglect, refusal or disobedience.

## CHAPTER –VII PROCEDURAL

### **Rules and orders not invalidated by defect of form or irregularity in procedure.**

S. 141 NPC Act  
S. 156 BPA  
S. 165 KPA  
S. 134 DPA

### **No police officer or public servant to be liable to penalty or damage for act done in good faith in pursuance of duty.**

S. 144, 145, 153 NPC Act  
S. 169, 170 KPA  
S. 138, 139, 140 DPA

### ***Bar to suits and Prosecutions***

S. 140 DPA

58. No rule, order, direction, adjudication, inquiry or notification made or published, and no act done under any provision of this Act or of any rule made, under this Act, or in substantial conformity to the same, shall be deemed illegal, void, invalid or insufficient by reason of any defect of form or any irregularity in procedure.

59. (1) No police officer shall be liable to any penalty or to payment of damages on account of an act done in good faith in pursuance or intended pursuance of any duty imposed or any authority conferred on him by any provision of this Act or any other law for the time being in force or any rule, order or direction made or given therein.

(2) No public servant or person duly appointed or authorised shall be liable to any penalty or to payment of any damages for giving effect in good faith to any such order or direction issued with *the* authority by the State Government or by a person empowered in that behalf under this Act or any rule, order or direction made or given there under.

60. (1) In any case of alleged offence by a police officer or other person, or of a wrong alleged to have been done by a police officer or other person, by any act done under colour or in excess of any such duty or authority as aforesaid, or wherein, it shall appear to the court that the offence or wrong if committed or done was of the character aforesaid, the prosecution or suit shall not be entertained, or shall be dismissed, if instituted, more than 3 months after the date of the act complained of;

*Provided that any such prosecution against a police officer or other person may be entertained by the court, if instituted with the previous sanction of the Director General of Police within one year from the date of the offence.*

(2) In the case of an intended suit on account of such a wrong as aforesaid, the person intending to sue shall be bound to give to the alleged wrong doer one month's notice at least of the intended suit with sufficient description of the wrong complained of, failing which such sufficient suit shall be dismissed.

(3) The plaint shall set forth that a notice as aforesaid has been served on the defendant and the date of such service, and shall state *what tender of amends, if any, has been made by the defendant and a copy of the said notice shall be annexed to the plaint endorsed or accompanied with a declaration by the plaintiff of the time and manner of service thereof.*

**Licenses and written permission to specify conditions and to be signed.**

S. 146 NPC Act

S. 162 BPA

S. 171 KPA

S. 141 DPA

S. 63 KLPA

61. (1) Any written permission granted under the provisions of this Act shall specify the period and locality for which, and the conditions and restrictions subject to which the same is granted, and shall be given

under the signature of the competent authority and such fee shall be charged therefor as is prescribed by any rule under this Act in that behalf.

(2) Any written permission granted under this Act may at any time be suspended or revoked by the competent authority if any of its conditions or restrictions is infringed or evaded by the person to whom

it has been granted, or if such person is convicted of any offence in any matter to which such permission relates.

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

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

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

**Public notices how to be given**

S. 147 NPC Act

S. 163 BPA

S. 172 KPA

S. 142 DPA

S. 61 KLPA

62. 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 in Hindi, as the said authority may deem fit, or by any two or more of these means and by any other means it may think suitable.

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

S. 148 NPC Act

S. 164 BPA

S. 173 KPA

S. 143 DPA

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

**Notification of rules and regulations in the official gazette and laying of rules and regulations.**

64. (1) The State Government may from time to time make such rules for giving effect to the provisions of this Act.

(2) Every rule and regulation made under this Act shall be made by notification in the official gazette.

(3) Every rule and regulation made under this Act shall be laid, on the table of the legislative assembly.

S. 152 NPC Act

S. 148 DPA

**Repeal and Savings**

S.153 NPC Act

S. 149 DPA

S. 103 APPB

65. (1) The Police Act, 1861 (No.5 of 1861) is hereby repealed:

Provided that –

(i) all rules prescribed, appointments made, powers orders made or passed, directions and certificates issued, consent, permit, permission or licences given, summons and warrants issued or served, persons arrested or detained or discharged on bail or bond, search warrants issued, bond forfeited, penalty incurred under any such enactment shall so far as they are consistent with this Act, be deemed to have been respectively prescribed, made, conferred, given, passed, served, arrested, detained, discharged, forfeited and incurred thereunder;

(ii) all references made in any enactments to any of the enactments so ceasing to be in force shall be construed as references to the corresponding provisions of this Act.

(2) Nothing in sub-section (1) shall be deemed to affect

(a) the validity, invalidity, effect or consequence of anything done or suffered to be done in an area before the date on which the provisions of this Act come into force in such area;

(b) any right, privilege, obligation or liability already acquired, accrued or incurred before such date;

(c) any penalty forfeiture or punishment incurred or inflicted in respect of any act before such date;

(d) any investigation, legal proceeding or remedy in respect of such right, privilege, obligation, liability, penalty, forfeiture or punishment;

(e) any legal proceeding pending in any court or before any officer on the aforesaid date or anything done or suffered to be done in the course of such proceedings, and any such proceeding or any appeal or revisional proceedings arising out of such proceeding shall be instituted, continued or disposed of, as the case may be, as if this Act had not been enacted.

**Existing police force deemed to be constituted under this Act.**

S. 154 NPC Act

**Powers to remove difficulties**

S. 156 NPC Act

S. 179 KPA

S. 151 DPA

66. Without prejudice to the provisions contained in section-65, the police force functioning in the state of Madhya Pradesh immediately before the commencement of this Act shall on such commencement, be

deemed to be police force constituted under this Act.

67. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by notification in the official gazette,

make such provisions as appear to it to be necessary or expedient for removing the difficulty :

S. 151 DPA

Provided that no such notification shall be issued after the expiry of two years from the commencement of this Act.

(2) Every notification issued under this section shall, as soon as may be after it is issued, be laid on the table of the legislative assembly

**SCHEDULE I**

(see Section 12)

Photo graph to be affixed

**SEAL**

**CERTIFICATE OF APPOINTMENT IN THE POLICE FORCE**

No.....

STATE OF MADHYA PRADESH

Certificate of Appointment issued under the Madhya Pradesh Police Adhiniyam, 2001.

Mr / Mi ss/ Ms.....

has been appointed as ..... and is invested with the powers, functions, and privileges of a police officer under the Madhya Pradesh Police Adhiniyam, 2001 on the ..... day of..... 2001

**Signature.....**

**Designation .....**

## **SCHEDULE - II**

**(see Section 26)**

### **PART-1**

#### **Central Acts**

1. The Press and Registration of Books Act, 1967.
2. The Indian Explosives Act, 1884.
3. The Mental Health Act, 1987.
4. The Poisons Act, 1919
5. The Police (Incitement to Disaffection) Act, 1922
6. The Cinematograph Act, 1952
7. The Suppression of Immoral Traffic in Women and Girls Act, 1956
8. The Arms Act, 1959
9. Code of Criminal Procedure, 1973
10. Public Gambling Act, 1867
11. The Prevention of Cruelty to Animals Act, 1960
12. NSA
13. MV Act, 1988

### **PART-II**

#### **State Acts**

1. Madhya Pradesh Rajya Suraksha Evam Lok Vyavastha Adhiniyam, 1980
2. Madhya Pradesh Atyavashyak Seva Sandharan Thatha Vichchinnata Nivaran Adhiniyam, 1979
3. Madhya Pradesh Kolahal Niyantaran Adhiniyam, 1985
4. MP MV Rules, 1994



**SCHEDULE-III**  
**(see Section 47)**

**(A) Authorities competent to order suspension**

S.No.	Rank of officers on whom suspension order is to be made	Authority competent to issue orders
1.	Inspector, Sub-Inspector, Assistant Sub-Inspector and officers of corresponding ranks	Officers of and above the rank of Superintendent of Police
2.	Head Constables, Constables and officers of corresponding ranks	Officers of and above the rank of Deputy Superintendent of Police.