

KARNATAKA POLICE ACT 2007

The Draft (Version 2.0)

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Preamble

WHEREAS, the Karnataka Police has been set up to uphold the law, ensure respect for human dignity and protect the rights of all people;

WHEREAS, it is necessary to ensure a safe and secure environment conducive to the internal and external growth and development of people;

WHEREAS, it is the constitutional obligation of the State to provide impartial and efficient Police Service, safeguard the interests of vulnerable Sections of the society and respond to the democratic aspirations of citizens;

WHEREAS, the police needs to be service oriented, people-friendly, free from extraneous influences, accountable to law and professionally organized;

WHEREAS, it is expedient to redefine the role, duties and responsibilities of police to meet the emerging challenges to the security of the State and the imperatives of good governance;

AND

WHEREAS, it is appropriate to empower the police to function as an efficient, effective and responsive agency;

NOW

THEREFORE, it is expedient to enact a new law as follows:

Chapter I

Title, Definitions & Interpretations

1. Short title, Commencement, Extent and Application:

- (a) This Act may be called the Karnataka Police Act, 2008.
- (b) It shall come into force on such date as the State Government may, by notification in the official Gazette, specify.
- (c) It extends to the whole of the state of Karnataka

2. Definitions:

1) In this Act, unless the context otherwise requires

- (a) 'Administration' means management of the Police Service including framing of regulations, supervision, appointments, deployment, postings, transfers and disciplinary action.
- (b) 'Act' means the Karnataka Police Bill, 2008.
- (c) 'Cattle' include cows, buffalos, elephants, camels, horses, asses, mules, sheep, goats and swine.
- (d) 'Group A, B, C or D posts' means the posts so categorised under the relevant State Service Rules.
- (e) 'Headquarters Company' means a sub-unit performing administrative and other support functions of a State Armed Police Battalion or a City Armed Reserve or District Armed Reserve.
- (f) 'Organized crime' means any unlawful activity or crime committed by a group, association or a network of persons in pursuance of common intention of unlawful gain or causing unlawful loss, or otherwise adversely affecting economic interest of the nation;
- (g) 'Place of public amusement' and 'Place of public entertainment' means such places as may be notified by the competent authority.
- (h) 'Police District' means the territorial area notified as such.
- (i) 'Police Welfare Fund' means funds of the police department meant for police.

- (j) 'Police Officer' means any member of the Karnataka Police, constituted under this Bill or any person employed, for the time being, to perform police duties.
- (k) 'Public place' means any place or pathway to which the public have access.
- (l) 'Regulations' means regulations made under this Bill.
- (m) 'Rules' means rules made under this Bill.
- (n) 'Service Company' means sub-units of State Armed Police Battalions, City Armed Reserve or District Armed Reserve, deployed in support of civil police.
- (o) 'Terrorism' means and includes causing explosions, or using any lethal weapons; physical, chemical, nuclear or biological, or any act done with intent to cause death or damage to person or property, or create fear psychosis among the people, or to threaten the unity, integrity, security & sovereignty of India or to overawe the Government established by law.
- (p) 'Cyber Crime' means any activity in cyberspace with criminal intention.
- (q) 'Cyberspace' means the virtual environment within which electronic communication occurs between computers.
- (r) 'Unit Officer' means a District Superintendent /Commissioner of Police or head of any other unit, not being a staff officer.

2) Words and expressions used in this Act, but not defined specifically, shall have the same meaning as provided in General Clauses Act, 1897, Code of Criminal Procedure, 1973, Indian Penal Code, 1860 or any other relevant Act.

Chapter II

Police Organization

3. One Police Service

- 1) There shall be one Police Service for whole of the State.
- 2) Members of the Police Service shall be liable to be posted to any branch of the Service in the State, including its specialized units or wings.

4. Constitution and composition of the Police Service

- 1) The police service shall consist of civil police, armed police and other specialized units or wings.
- 2) The composition of the Police Service shall be such that it has adequate representation of all sections of the society, including women.

5. Civil Police

The civil police shall include the following ranks;

- a) Civil Police Constable.
- b) Civil Head Constable.
- c) Assistant Sub-Inspector of Police.
- d) Sub-Inspector of Police.
- e) Circle Police Inspector/ Inspector of Police.
- f) Deputy/Assistant Superintendent of Police.
- g) Additional Superintendent of Police.
- h) Superintendent of Police.
- i) Deputy Inspector General of Police.
- j) Inspector General of Police.
- k) Additional Director General of Police.
- l) Director General of Police.

6. Armed Police

The armed police shall include the District Armed Reserve, City Armed Reserve, the Karnataka State Reserve Police and such other armed force.

- 1) The District Armed Reserve may consist of the following ranks;
 - a) Armed Police Constable.
 - b) Armed Head Constable.
 - c) Assistant Reserve Sub-Inspector of Police.

- d) Reserve Sub-Inspector of Police
 - e) Reserve Police Inspector.
 - f) Deputy Superintendent of Police.
 - g) Additional Superintendent of Police.
- 2) City Armed Reserve may consist of the following ranks;
- a) Armed Police Constable.
 - b) Armed Head Constable.
 - c) Assistant Reserve Sub-Inspector of Police.
 - d) Reserve Sub-Inspector of Police.
 - e) Reserve Police Inspector.
 - f) Assistant Commissioner of Police.
 - g) Deputy Commissioner of Police.
- 3) The Karnataka State Reserve Police may consist of the following ranks;
- a) Armed Police Constable.
 - b) Armed Head Constable.
 - c) Assistant Reserve Sub-Inspector of Police.
 - d) Special Reserve Sub-Inspector of Police.
 - e) Special Reserve Police Inspector.
 - f) Assistant Commandant.
 - g) Deputy Commandant.
 - h) Commandant.
 - i) Deputy Inspector General of Police.

7. Appointment of Director General, Additional Directors General, Inspectors General, Deputy and Assistant Inspectors General

- 1) For the overall direction and supervision of the Police Service, on the recommendations of the State Security Commission, the State Government shall appoint a Director General of Police.
- 2) i) The post of Director General of Police shall be the senior-most position in the hierarchy of the Police Service of the State and no other officer, senior or equivalent in rank to the incumbent Director General of Police, shall be posted to any position within the police organization.

- ii) Any other police officer holding the rank of Director General shall be appropriately appointed outside the State police organization.
- 3) The State Government may appoint one or more Additional Director General, and as many Inspectors General, Deputy and Assistant Inspectors General as may be necessary.
- 4) The State Government may, in consultation with the Director General of Police, direct the manner and the extent to which an Additional Director General or an Inspector General or a Deputy or Assistant Inspector General shall assist or aid the Director General of Police in the performance, exercise and discharge of his functions, powers, duties, and responsibilities.

8. Selection and term of office of the Director General of Police:

- 1) The State Government shall appoint the Director General of Police from amongst three senior-most officers of the state Police Service, empanelled for the rank.
- 2) The empanelment for the rank of Director General of Police shall be done by the State Security Commission according to the following criteria:
 - (a) length of service and health;
 - (b) assessment of the performance appraisal reports of the previous ten years of service by assigning weightage to the annual grading;
 - (c) range of relevant experience, including experience of work in central police organizations;
 - d) training courses undergone;
 - e) award of medals for gallantry, distinguished and meritorious service.
- 3) He shall not have been indicted in any criminal or disciplinary proceedings or charges framed on counts of corruption or moral turpitude by a court of law in such cases;
- 4) The Director General of Police so appointed shall have a minimum tenure of two years subject to the normal date of superannuation.
- 5) The Director General of Police may be removed from the post before the expiry of his tenure by the State Government through a written order specifying reasons, consequent to:

- (a) conviction by a court of law in a criminal offence or where charges have been framed by a court in a case involving corruption or moral turpitude; or
- (b) punishment of dismissal, removal, or compulsory retirement from service or of reduction to a lower rank or post, awarded under the provisions of the All India Services (Discipline and Appeal) Rules 19 or any other relevant rule; or
- (c) suspension from service in accordance with the provisions of the said rules; or
- (d) incapacitation by physical or mental illness or otherwise becoming unable to discharge his functions as the Director General of Police; or
- (e) promotion to a higher post or deputation to an equivalent post under, either the State or the Central Government, subject to the officer's consent to such a posting.

9. Appointment of Legal Advisors and Financial advisor

- 1) The State Government shall appoint a Legal Advisor and a Financial Advisor to aid and advise the Director General of Police on legal and financial matters respectively.
- 2) The State Government shall, in consultation with the Director General of Police, appoint in every Police District and Commissionerate, to advise the Superintendent of Police or the City Police Commissioner, one or more Legal Advisors.

10. Administration of Police in Metropolitan, Major Urban and other Notified Areas

There shall be a Police Commissionerate, headed by a Police Commissioner, for the State Government may notify administration of police in metropolitan areas, major urban areas and in such other areas as for the purpose.

11. Creation of Police Zones and Ranges

- 1) The State Government, in consultation with the Director General of Police, may by notification divide the entire geographical area of the state into one or more Police Zones. Each Zone, comprising of two or more Police Ranges, shall be headed by an officer of the rank of Inspector General of police.

2) The State Government, in consultation with the Director General of Police, may by notification create as many Police Ranges as deemed necessary. Each Range, consisting of two or more Police Districts, shall be headed by an officer of the rank of Deputy Inspector General of police.

12. Police Districts

The State Government, in consultation with the Director General, may by notification declare any area within the state to be a Police District. The administration of police district shall vest in the Superintendent of Police who may be assisted by as many Additional, Assistant or Deputy Superintendents, as deemed necessary and are notified.

13. Coordination within the District

1) The District Magistrate shall coordinate the functioning of the police with other agencies of district administration in respect of matters relating to:

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

2) The District Magistrate shall ensure that all departments of the district, whose assistance is required for the efficient functioning of the police, rendered full assistance.

14. District-level Special Cells

For the purpose of dealing with a particular category of crime or providing better service to the community at large including victims of crime, the State Government may, in consultation with the Director General and by notification, create one or more Special Cells in each Police District, to be headed by an officer of the rank of Additional/Assistant/Deputy Superintendent of Police.

15. Sub-Divisions and Circles

- 1) The State Government may, by notification, divide each Police District into as many Sub-Divisions as deemed necessary to be headed by an officer of the rank of Assistant/Deputy superintendent of Police.
- 2) The State Government may by notification divide each Police Sub-Division into two or more Circles, each headed by an officer of the rank of Inspector.

16. Police Stations

- 1) The State Government may, in consultation with the Director General of Police and by notification, create as many Police Stations with as many outposts as necessary, in a Police District commensurate with population, area, terrain, distance to be traversed to reach the Police Station, crime situation and workload in terms of law and order.
- 2) Two or more Police Stations may be assigned to a Police Circle for the purpose of control and supervision.
- 3) A Police Station shall be headed by a Station House Officer not below the rank of Sub-Inspector of Police:
- 4) Heavier Police Station shall be headed by an officer of higher rank.
- 5) Every Police Station shall have as many officers and personnel of different ranks, as required.
- 6) The strength of staff at each police station shall be based on the area, terrain, distance to be traversed, population, incidence of crime and law & order related workload.
- 7) Each Police Station shall have all essential amenities including a reception-*cum*-visitors' room, separate toilets for men and women and separate lock-ups for male and female detainees.
- 8) To deal with the complaints of Women, Children and the Aged, each Police Station shall have a Special Desk staffed by women police personnel.
- 9) Each Police Station shall prominently display all the relevant information required to be made public.

17. Term of Office of Key Police Functionaries

- 1) A police officer in-charge of Police Station, Police Circle, Sub-Division, Police District, Police Range or Police Zone shall have a term of a minimum of two years and a maximum of three years.
- 2) Such an officer may be removed or transferred from his post before the expiry of the minimum tenure of two years consequent to:
 - (a) promotion to a higher post; or
 - (b) conviction, or charges having been framed by a court of law in a criminal offence involving corruption or moral turpitude; or
 - (c) dismissal, removal, discharge or compulsory retirement from service or reduction to a lower rank; or
 - (d) suspension from service; or
 - (e) incapacitation by physical or mental illness or otherwise becoming unable to discharge his functions and duties.
 - (f) In exceptional cases, by the competent authority, for gross inefficiency or negligence after a preliminary enquiry. In all such cases, the competent authority shall report to the State Security Commission, which shall also be the appellate authority.

18. Railway Police

- 1) The State Government may, by notification in the official gazette, create one or more special police districts covering such railway areas in the State as it may specify, and appoint a Superintendent of Police, one or more Assistant/Deputy Superintendent of police and other ranks of police officers for each such special police district as it may deem fit, and they shall function under the command and control of the Director General of Police.
- 2) Any police officer empowered by the State Government may exercise, within his jurisdiction, all the powers of a Station House Officer.
- 3) A Police Officer so empowered be vested, within his jurisdiction, with the powers and privileges, and be subject to the liabilities of, a police officer.

19. State Intelligence

- 1) State police shall have a State Intelligence Department headed by an officer of the rank of Additional Director General of Police for collection, collation, analysis and dissemination of intelligence.
- 2) The State Intelligence Department shall have specialized sections like counter terrorism, counter militancy and VIP Security, each headed by an officer not below the rank of Superintendent of Police.
- 3) A Deputy Inspector General of Police shall supervise two or more sections.
- 4) There shall be an Inspector General of Police to supervise the work of two or more Deputy Inspectors General of Police.
- 5) The State Government shall appoint officers of different ranks to serve in the state Intelligence commensurate with the volume and variety of work.
- 6) The State Intelligence shall function under the command and control of the Director General of Police.

20. Criminal Investigation Department

- 1) There shall be a Criminal Investigation Department headed by an officer of the rank of Additional Director General of Police for investigating inter-state, inter-district crimes and other specified offences. It shall be a police station having State-wide jurisdiction.
- 2) To deal with special crimes, it shall have the required number of squads; each headed by an officer not below the rank of a Superintendent of Police.
- 3) Two or more squads shall be supervised by a Deputy Inspector General of police.
- 4) One or more Deputy Inspectors General of police shall work under the general supervision of an Inspector General of police.
- 5) The State Government shall appoint police officers of different ranks and others to serve in the Criminal Investigation Department commensurate with the volume and variety of tasks.
- 6) The Criminal Investigation Department shall function under the command and control of the Director General of Police

21. Internal Security Unit

- 1) There shall be an Internal Security unit in the State, headed by an officer not below the rank of Additional Director General of Police, to oversee the internal security arrangements in the State in general and to deal with terrorism, leftwing extremism or any other form of militancy in particular. He shall be assisted by required number of Inspectors General of Police, Deputy Inspectors General of Police and other ranks.
- 2) The Internal Security Unit shall have the following wings;
 - (i) Operational.
 - (ii) Logistics.
 - (iii) Intelligence.
 - (iv) Investigation.
 - (v) Technical.
 - (vi) Analysis.
 - (vii) Training.
 - (viii) Administration.
- 3) The Internal Security unit shall:
 - (i) have its components in all Ranges and Commissionerates.
 - (ii) coordinate with the other State, National or International agencies.
 - (iii) have adequate budgetary support with state-of-the-art equipment, Information & Communication Technology, mobility and other infrastructure.
- 4) The Additional Director General of Police shall be responsible for preparing and updating Internal Security Schemes and Disaster Management Schemes for the State, Commissionerates, Districts and other urban areas notified.
- 5) The Government shall establish for each notified area, as an Emergency Response System, a well-equipped control room with adequate information and communication facilities, dedicated network of patrol vehicles and other necessary wherewithal.
- 6) The Internal Security Scheme shall:
 - (i) cover the security of critical infrastructure of the area.

(ii) contain Standard Operating Procedures for the police to deal with different situations.

22. Forest Police

- 1) There shall be, as many number of Forest Mobile Squads as required, for each one of the reserve forest or any other type of demarcated forest area.
- 2) Each Forest Mobile Squad shall be headed by an officer not below the rank of a Sub-Inspector of Police.
- 3) The Forest Mobile Squads shall investigate encroachment cases of forest land, offences against wild life and smuggling of forest produce.
- 4) Forest Police officers shall exercise powers under the Code of Criminal Procedure, 1973.
- 4) An officer not below the rank of Superintendent of Police shall supervise the functioning and work of the Forest Mobile Squads in close coordination with the Forest department officers.
- 5) An officer not below the rank of an Inspector General of Police shall supervise the functions of the forest police, who shall be under the over all control of the Director General of Police.

23. Tourism Police

There shall be separate tourism police at all the required places under the control of Station House Officer of the jurisdictional police station to ensure:

- 1) Safety and security of tourists.
- 2) Security of their belongings and documents.
- 3) Prevention of crimes against tourists
- 4) Protection of women tourists against eve teasing, stalking or violence.
- 5) Protection of tourists against unethical practices.
- 6) Guidance to tourists about the local customs, laws, rules and regulations.

24. Traffic Police

- 1) There shall be a traffic wing in every important police station, and exclusive Traffic Police Stations in all cities and towns to regulate traffic.
- 3) Every Traffic Police Station shall be headed by an officer not below the rank of Sub-Inspector of Police.

- 4) In the police commissionerates and districts, there shall be as many posts of Additional Commissioners, Deputy Commissioners/Additional Superintendents, Assistant Commissioners/Deputy Superintendents and Inspectors of Police, as required, for traffic regulation.
- 5) There shall be an officer of the rank of Additional Director General of Police at the State level for research, planning and coordinating traffic management. He shall advise the Director General of Police on traffic related matters.
- 6) The senior most officer in-charge of traffic shall be consulted on all matters relating to Town Planning by the authorities concerned.
- 7) Wherever infrastructural improvements are being effected, opinion of the senior most officer in charge of traffic shall be binding on the implementing agency.
- 8) Whenever any improvements or changes are proposed in traffic regulation by the traffic police, expert opinion shall be taken. Wide ranging public opinion shall also be obtained and considered.
- 9) Funds earmarked for traffic management shall be placed at the disposal of the respective Commissioner/District Superintendent of Police.

25. Coastal Security Police

There shall be a separate Coastal Security Police, covering the coastal areas of the State to enforce the provisions of Coastal Regulatory Zone and other relevant laws.

26. Technical and Support Services

- 1) The State Government shall create and maintain special or ancillary agencies and technical services necessary for promoting efficiency in the Police Service under the control of an officer of the rank of Additional Director General of Police.
- 2) The agencies/services so created shall include a full-fledged Forensic Science Laboratory at the State-level, Regional Forensic Science Laboratory in every Police Range and Mobile Forensic Science Unit in every district in accordance with the guidelines laid down by the Directorate of Forensic Science, the Bureau of Police Research and Development, Government of India and the State Bureau of Police Research and Development.

3) The forensic science establishment shall be headed by an officer of the rank of Inspector General of Police assisted by a Director (Technical) at the state level, a Deputy Director (Technical) at the range level and an Assistant Director (Technical) at the district level.

4) There shall be a Bomb Detection and Disposal Unit headed by an officer of the rank of Superintendent of Police at the State level, with its sub units at the Range and District levels headed by Deputy Superintendent of police and Inspector of police respectively. The units shall be equipped with necessary personnel, transport and gadgets.

5) There shall be a Police Dog Squad at the State level headed by an officer of the rank of Superintendent of Police with its sub units at the range and district levels headed by Deputy Superintendent of Police and Inspector of Police respectively. The units shall be equipped with necessary infrastructure, facilities, personnel and dogs.

6) There shall be a Finger Print Bureau at the State level headed by an officer of the rank of Superintendent of Police with its sub units at the range and district levels headed by Deputy Superintendent of Police and Inspector of Police respectively. The units shall be equipped with necessary personnel, gadgets and communication facilities.

7) The personnel employed in these units shall be trained from time to time to keep abreast of latest developments in their respective fields. They shall adopt state-of-the-art technology.

27. Information and Communication Technology:

1) There shall be a robust statewide communication network to support the police service.

2) Emerging technologies like; digital forensics, biometrics, DNA profiling, GIS, WAP, WiFi and WiMax etc., shall be adopted.

3) There shall be an officer of the rank of Additional Director General of Police, assisted by as many Inspectors General of Police, Deputy Inspectors General of Police, Superintendents of Police, Deputy Superintendents of Police and other ranks including technical personnel, as required, to manage Information and Communication Technology needs of the police service.

28. Recruitment

1) Direct recruitment to the Indian Police Service and Karnataka State Police Service shall be made through the Union Public Service Commission and the State Public Service Commission respectively.

2) Direct recruitment to Non-Gazetted ranks shall be made through a State level Police Recruitment Board in a transparent and scientific manner.

3) The State-level recruitment board for the Police Sub-Inspector and equivalent ranks shall comprise of;

a) Additional Director General of Police in charge of Recruitment as Chairman;

b) An Additional Director General of Police, nominated by the Director General of Police as member;

c) An Inspector General or Deputy Inspector General of Police, nominated by the Director General of Police as member;

d) Director, Backward Classes Department as member;

e) Commissioner or Director, Social Welfare Department as member;

f) A Psychologist nominated by the Chairman as member;

g) Inspector/Deputy Inspector General of Police in charge of recruitment as Member Secretary.

4) The State-level Recruitment Board may constitute committees for recruitment of other Non-Gazetted ranks, as required.

29. Training

1) Director General of Police shall evolve a Training-cum-Education Programme for police personnel to meet the present and future requirements of the department. The Programme shall incorporate guidelines issued by the State or Union Government. It shall achieve the objectives of imparting knowledge, developing professional skills, inculcating the right attitudes and promoting ethical values.

2) Training methodology shall include regular, distance and online learning.

3) Training programme shall include: basic, orientation, pre-promotional, specialised and periodical refresher training of appropriate duration for all ranks.

- 4) Director General of Police may create additional training centres with the requisite infrastructure in a Commissionerate, Police District, Karnataka State Reserve Police Battalion or any other unit.
- 5) Director General of Police may depute the trainers to other central or regional police training institutions.
- 6) The training institutions shall adopt standards and best practices evolved by the Karnataka Police Academy, State Bureau of Police Research & Development, National Police Academy, Bureau of Police Research & Development of Government of India or any other reputed national or international body.
- 7) There shall be periodical evaluation of training programmes.
- 8) The training may be outsourced wherever necessary.

30. Appointment of Directors of State Police Academy, Principals of Police Training Centres and Schools

- 1) The State Government shall establish a full-fledged Police Training Academy at the State level and required number of fully-equipped Police Training Centres and Schools.
- 2) The State Government shall appoint a police officer of the rank of Inspector General of Police to be the Director of the State Police Academy, a Deputy Inspector General of Police to head each Police Training Centre and a Superintendent of Police as the Principal of each Police Training School.
- 3) Basic training to the directly recruited Deputy Superintendents and orientation training to the Assistant Superintendents of Police shall be given in the Karnataka Police Academy.
- 4) The State Government shall appoint in the Police Academy, Training Centre and School, appropriate number of Police officers with required aptitude, academic qualification, professional competence, experience and integrity.
- 5) The State Government shall evolve a scheme of monetary and other incentives to attract and retain the best of talent in the faculty of such training institutions.

6) The State Government shall appoint as permanent faculty persons with academic accomplishments in the fields of law, sociology, psychology, criminology, forensic science, Information & Communication Technology and other subjects relevant to police service.

7) The heads of these institutions shall be competent to engage, on a temporary basis, such faculty as and when required on payment of adequate remuneration.

Chapter III

Special Police Officers

31. Special Police Officers

- 1) The Director General of Police may appoint for a period specified in the appointment order, any able-bodied and willing person between the age of eighteen and sixty five years, whom he considers fit, as a Special Police Officer to assist the Police within his jurisdiction.
- 2) Special Police Officers shall wear prescribed uniform and be assigned a rank.
- 3) Special police officer shall be paid appropriately.
- 4) Such appointment shall be for a specific period and purpose.
- 5) Any such appointment shall be made only with prior approval of the State Security Commission .
- 6) No Special police officer shall have any claim to the continuance of the post.
- 7) Special police officer shall be liable to be discharged at any time by the appointing authority.

Chapter IV

Role, Functions and Responsibilities of Police

32. Role, Functions, Duties and Responsibilities of Police

1) The police shall remain accountable to the law and responsive to the lawful needs of the people, abide by conduct rules, comply with prescribed standards of behaviour and maintain integrity.

2) The police shall;

- (a) uphold the values enshrined in the constitution of India;
- (b) protect life, liberty and dignity of people;
- (c) promote and preserve public order;
- (d) ensure internal security;
- (e) protect public property;
- (f) prevent and detect crimes;
- (g) respond promptly and adequately to all complaints, grievances or information;
- (h) prevent and resolve conflicts and promote amity in the society with community participation;
- (i) help people during natural or man-made disasters and assist other agencies in relief and rehabilitation measures;
- (j) aid any individual in distress;
- (k) prevent accidents, facilitate orderly movement of people or vehicles and control or regulate traffic;
- (l) Collect, collate and disseminate intelligence on matters relating to; (i) crime (ii) public order and (iii) safety and security of people or the state;
- (m) Take charge of unclaimed property and ensure its safe custody and timely disposal.

3) A police officer shall:

- (a) be polite and courteous to the public in general and to senior citizens, women and children in particular;
- (b) fair and even handed in dealing with conflicting parties;

(c) not discriminate between individuals on the grounds of gender, colour, class, caste, creed, religion, political affiliation or any other extraneous consideration;

(d) render necessary assistance to the poor, indigent, physically or mentally challenged persons and such others in helpless condition;

(e) assist victims of crime or accident and ensure prompt medical aid;

(f) ensure protection to weaker sections and minorities;

(g) prevent harassment and exploitation of women and children;

(h) extend permissible assistance to every person in police custody and inform the authorities and others concerned.

33. Essential Service

1) The State Government may, in emergency situation, notify any specified service to be an essential service to the community for a specified period, which may be extended from time to time.

2) Upon such declaration, the police shall be competent to enforce it.

34. Senior police officer performing duties of a subordinate officer

A senior police officer may perform any duty assigned by law to any officer subordinate to him; he may supplement, supersede or prevent any action of his subordinate, by his own action or that of any person lawfully acting under his command or authority for giving more complete or convenient effect to the law or for avoiding its infringement.

Chapter V

Armed Police Units

35. Armed Police

There shall be appropriate number of City and District Armed Reserves and Karnataka State Reserve Police Battalions to aid and assist the civil police in dealing with group protests, violent disturbances involving breach of peace or law and order, insurgency, terrorist activities and manmade or natural disasters/calamities as well as to discharge such duties that require the presence of armed police, including provision of suitable women components.

36. Role and functions

The Karnataka State Reserve Police Battalions shall be a State-level reserve, to be deployed under specific orders of the Director General of Police, or an officer authorized by him, to aid and assist the civil police when there is a need for deployment of armed police beyond the resources of the district/city police.

37. City and District Armed Reserve

The City and District Armed Reserve shall function under the control, direction and supervision of the Commissioner and District Superintendent of Police respectively, within his jurisdiction.

38. Organizational Structure of City and District Armed Reserves

- 1) The City and District Armed Police Reserve shall be headed by an officer not below the rank of Deputy Commissioner of Police and Deputy Superintendent of Police (Armed Reserve) respectively.
- 2) The City and District Armed Reserve shall be sub-divided into appropriate number of Companies, platoons and sections headed by officers of appropriate rank.
- 3) Each Karnataka State Reserve Police Battalion shall have a commandant and an appropriate number of Additional commandants, Deputy Commandants, Assistant Commandants, Reserve Inspectors, Special Reserve Sub Inspectors, Assistant Reserve Sub Inspectors, Armed Police Head Constables and Armed Police Constables.

39. Organization of the Karnataka State Reserve Police

- 1) The Karnataka State Reserve Police shall be headed by an officer of the rank of Additional Director General of Police assisted by one or more Inspectors General of Police under the overall guidance and supervision of the Director General of Police.
- 2) The Inspector General of police shall be responsible for administration, training, operational preparedness and welfare of personnel of the battalions in his respective jurisdiction.
- 3) There shall be a Deputy Inspector General of police for every three battalions.

40. Command of KSRP

The command structure of Karnataka State Reserve Police shall be as follows:

- 1) A Commandant, equivalent in rank to a Superintendent of Police, shall head each Karnataka State Reserve Police Battalion.
- 2) One third of the battalions shall be headed by IPS officers of the rank of Superintendent of police.
- 3) The Commandant shall be assisted by Deputy Commandants, equivalent in rank to Additional Superintendent of Police, who shall also be the Second-in-Command of the Battalion.
- 4) Each Battalion shall be divided into appropriate number of Service Companies and a Headquarters Company, each of which will be headed by an Assistant Commandant, equivalent in rank to Deputy Superintendent of Police.
- 5) Each Service Company shall have three platoons, each headed by a Reserve Police Inspector.
- 6) Each platoon shall have three sections, each headed by a Reserve Police Sub-Inspector.
- 7) Each Section shall have an Assistant Reserve Sub-Inspector, Armed Head Constables and Armed Police Constables.
- 8) Each Headquarters Company shall have a Reserve Police Inspector, Reserve Sub-Inspectors, Assistant Reserve Sub-Inspectors, Armed Head Constables, Armed Constables and Followers.

41. Recruitment

The personnel shall be recruited as detailed below:

- 1) The direct recruitment to the District/City Armed Reserves and the Karnataka State Reserve Police Battalions, other than ministerial staff, technical cadres and followers, shall be limited to the ranks of Armed Constable and Reserve/Special Reserve Sub-Inspector.
- 2) The minimum educational qualification for recruitment as Armed Constable shall be Matriculation or equivalent, and the age limit shall be 18 to 23 years. For the Reserve Sub-Inspectors, graduation shall be the minimum educational qualification and the age limit shall be 21 to 24 years. For scheduled castes, scheduled tribes and other backward classes, upper age limit may be relaxed by two years.
- 3) There shall be a training reserve and a deputation reserve of a Company's strength in each City Armed Reserve, District Armed Reserve and Karnataka State Reserve Police battalion.
- 4) Recruitment to the rank of Armed Police Constables and Reserve Police Sub-Inspectors for City Armed Reserve, District Armed Reserve and Karnataka State Reserve Police shall be made through a separate Recruitment Committee constituted for the purpose under separate Cadre and Recruitment Rules.

42. Training

There shall be, besides the basic training, periodical mandatory in-service training programmes for the personnel of City Armed Reserve, District Armed Reserve and Karnataka State Reserve Police in accordance with the training manual to be prepared for the purpose.

43. Deployment

The deployment of the City Armed Reserve or the District Armed Reserve shall be at the discretion of the Commissioner or District Superintendent of Police respectively in accordance with the Karnataka State Reserve Police manual.

44. Adequacy of Arms, Equipment and Accoutrement

The adequacy of arms, equipment and accoutrement for the City Armed Reserve, District Armed Reserve and the Karnataka State Reserve Police shall be reviewed annually by the Director General of Police in consultation with the Additional Director General, Inspectors General of Police of Karnataka State Reserve Police, Commissioners of Police and the District Superintendents of Police concerned.

Chapter VI

Policing Plan

45. Strategic Policing Plan and Annual Policing Plan

The State Security Commission shall draw up a Strategic Policing Plan for a five-year period, duly identifying the objectives of policing sought to be achieved during the period and setting out annual action plans.

(1) The State Government shall:

(a) lay before the State Legislature, within six months of this Act coming into force, the Strategic Policing Plan.

Subsequent Strategic Plans shall, thereafter, be laid before the State Legislature every three years.

(b) lay before the State Legislature, at the beginning of each financial year, a Progress Report on the implementation of the Strategic Policing Plan and the Annual Policing Plan that prioritizes the goals of the Strategic Plan for the year.

2) The Strategic and the Annual Plans shall be prepared after receiving inputs on the policing needs of the Commissionerates and Districts from the respective Commissioners and District Superintendents of Police.

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

46. State Security Commission

The State Government shall, within three months of coming into force of this Act, establish a State Security Commission.

47. Composition of the Commission

The State Security Commission shall consist of:

- (a) Chief Minister/ Home Minister as Chairperson;
- (b) Leader of the Opposition in the State Assembly as member;
- (c) Lokayukta as member;
- (d) A retired Judge of the High Court, nominated by the Chief Justice of High Court of Karnataka as member;
- (e) Chief Secretary as member;
- (f) Director, IIM, Bangalore;

(g) Director General of Police as member secretary.

48. Functions of the State Security Commission

The State Security Commission shall:

- 1) Frame broad policy guidelines for promoting efficient, effective, responsive and accountable policing;
- 2) Set benchmarks for the performance indicators laid down below;
 - (i) public satisfaction;
 - (ii) victim satisfaction;
 - (iii) social justice;
 - (iv) responsiveness;
 - (v) operational efficiency;
 - (vi) accountability;
 - (vii) transparency;
 - (viii) observance of human rights vis-à-vis police investigation;
 - ix) optimum utilization of resources.
- 3) Review and evaluate the organizational performance of Police Service in the state as a whole against the Annual Plan, benchmarks set, resources available and the constraints;
- 4) Prepare a panel of police officers for appointment of Director General of Police and recommend a name.

49. Annual Report of the State Security Commission

The Commission shall, at the end of each year, present a report to the State Government.

- (1) The report shall be on;
 - a) its work;
 - b) evaluation of police service.
- 2) The State Government shall lay the Annual Report before the State Legislature in the budget session and thereafter it shall be accessible to the public.

Chapter VII

Administration

50. Administration of Police Service

The administration of the Police Service throughout the State shall vest in the Director General of Police and in such Additional Directors General, Inspectors General, Deputy Inspectors General of police and other officers as appointed under this Act, and in a city/district, in the Commissioner /District Superintendent of Police concerned.

51. Powers and Responsibilities of the Director General of Police

The Director General of Police shall:

- (a) implement the policies, Strategic Plan and the Annual Plans; and
- (b) administer the Police Service.

52. Police Establishment Board

The composition and functions of the Police Establishment Board shall be as below:

- (1) The Board shall be chaired by the Director General of Police and four other senior-most police officers within the police organization shall be its members.
- 2) The Board shall accept, examine and take appropriate action on the complaints from the police officers regarding issue of illegal orders:
- 3) If the matter under report involves any authority of or above the rank of the Director General of Police, the Board shall forward such report to the State Security Commission for further action.
- 4) The Board shall recommend names of suitable officers to the State Government for posting to all the positions of and above the rank of Superintendent of police, excluding the Director General of Police.
- 5) The State Government shall act upon the recommendations of the Board.
- 6) The Board shall consider and recommend to the Director General of Police, officers of the rank of Sub-Inspector, Inspector, Deputy/Assistant Superintendent for posting to a Police District/Commissionerate, Range, Zone or Specialized Agency on initial appointment.

53. Transfer of Sub-Inspectors/Inspectors of Police

The transfers of Sub-Inspectors/Inspectors of Police shall be as follows:

- 1) The Unit head of a specialized agency shall be competent to effect transfers of Sub-inspector/Inspector of police within his jurisdiction on the recommendation of a Board comprising of all Inspectors General, Deputy Inspectors General and Superintendents of Police posted in the unit.
- 2) The District Superintendent of Police shall be competent to effect transfers of Sub-inspector/Inspector of police within his jurisdiction on the recommendation of a Board comprising of all Additional, Deputy/Assistant Superintendents of Police posted in the District.
- 3) The Commissioner of Police shall be competent to effect transfers of Sub-inspector/Inspector of police within his jurisdiction on the recommendation of a Board comprising of all the Additional/Joint/Deputy Commissioners of Police.
- 4) The Range Deputy Inspector General of Police shall be competent to effect Inter District transfers of Sub-inspector/Inspector of police within his jurisdiction on the recommendation of a Board consisting of all the District Superintendents of Police.
- 5) The Zonal Inspector General of Police shall be competent to effect Inter Range transfers of Sub-inspector/Inspector of police within his jurisdiction on the recommendation of a Board consisting of all the concerned Range Deputy Inspectors General of Police.
- 6) The Director General of Police shall be competent to effect transfers of Sub-inspector/Inspector or Deputy/Assistant Superintendent of police to or from any Zone/Comissionerate/Specialized unit on the recommendation of the Board consisting of all the concerned Zonal Inspectors General of Police, Commissioners of Police and the heads of such specialized units.
- 7) While effecting transfers or postings, the concerned competent authority shall ensure a minimum tenure of two years to every officer.

54. Promotion of State Police officers

The promotion of state police officers shall be done as follows:

- 1) Promotion to each rank in the State Police Service shall be based on merit-cum-seniority.
- 2) There shall be a pre-promotional training and a qualifying examination for each promotion.
- 3) Police Establishment Board shall be competent to prescribe pre-promotional training and the qualifying examination.
- 4) The State Government shall formulate a policy to ensure to all personnel at least three promotions in their career.

55. Training-cum-Education Programme

The Director General of Police shall lay down a Training-cum-Education programme for each rank of the service.

56. Financial management

The finances shall be managed as laid down below:

- 1) The Director General of Police shall prepare Annual Police Budget.
- 2) All unit officers shall project their budgetary requirements to the Director General of Police.
- 3) The projection shall include an estimate of cost of investigation.
- 4) Director General of Police shall have full powers for incurring expenditure, including re-appropriation, as allocated by the Legislature in the budget.
- 5) The Director General may delegate financial powers to other ranks.
- 6) Expenditure on police shall be a plan item in the budget.

Chapter VIII

Policing in Rural Areas

57. Policing in Rural Areas

- 1) Police Stations covering rural areas shall be self sufficient in matters of scientific aids to investigation, communication facilities, accommodation, amenities, transport and housing.
- 2) Police Stations in vulnerable areas shall be adequately secured with necessary infrastructure, equipment, manpower and weaponry.

58. Police Beats

The police beats shall be performed as specified below:

- 1) The jurisdiction of a Police Station shall be divided into Beats, each covering a cluster of villages to be placed under the charge of a Civil Police Constable or Civil Head Constable for maintaining regular and close contact with the villagers.
- 2) The Station House Officer shall ensure that every village in his jurisdiction is regularly served by a beat police officer.
- 3) Beat Police Officer shall;
 - (a) liaise with community leaders, Special Police Officers, Additional Police Officers and residents of each village to review crime prevention measures and law and order situation;
 - (b) collect information relating to activities of subversive, militant, anti-social, de-humanizing, repressive or discriminatory nature in the village and initiate immediate legal action;
 - (c) maintain watch over suspects, ex-convicts, rowdies, history-sheeters, bad characters and such others;
 - (d) acquaint himself with disputes having caste or communal overtones, or likely to result in violence;
 - (e) record public grievances or complaints and initiate immediate legal action.

59. Village Visits

The Station House Officer shall visit every village under his jurisdiction, at least once in a quarter, to review crime, law and order, problems of Scheduled Castes/Scheduled Tribes, public grievances and other developments. The superior officer shall visit important villages during inspection of police station under his control.

Chapter IX
Policing in Metropolitan, Major Urban & other
Notified Areas

60. Policing in Metropolitan, Major Urban and other Notified Areas

There shall be Commissionerates for metropolitan cities, major urban and other notified areas.

61. *Commissioner of Police:*

The Commissioner of Police shall be an officer of the rank of Additional Director General of police for the metropolitan city and Deputy Inspector General of Police or above for major urban and other notified areas, depending on the population, magnitude and complexity of policing. The Government may divide the jurisdiction into convenient territorial or functional units and appoint one or more Additional, Joint, Deputy and Assistant Commissioners to assist the Commissioner of Police in discharge of his duties.

62. *Powers, functions and duties:*

The Commissioners of police shall function under the overall control and direction of the Director General of Police. The Government shall appoint Financial, Legal and Technical Advisors to assist the Commissioners of Police. The Commissioner of Police shall exercise the powers and duties of a District Magistrate under the provisions of the Code of Criminal Procedure, 1973 and such other Acts. Any officer subordinate to the Commissioner of Police not below the rank of Deputy Commissioner of Police shall exercise all the powers and duties of an Additional District Magistrate, under the provisions of the Code of Criminal Procedure, 1973 on his appointment by the commissioner of police as an Additional District Magistrate. Any officer subordinate to the Commissioner of Police not below the rank of Assistant Commissioner of Police shall exercise all the powers and duties of an Executive Magistrate, within his jurisdiction, under the provisions of the Code of Criminal Procedure, 1973 on his appointment by the commissioner of police as an Executive Magistrate.

63. Constitution of Police Divisions, Police Sub-Divisions and Police Stations:

The State Government, in consultation with the Director General of Police, shall:

- (i) constitute appropriate number of Police Divisions within each Commissionerate;
- (ii) divide each such Police Division into two or more Police Sub-Divisions and each Sub-Division into two or more police stations; and,
- (iii) define the limit and extent of such Police Divisions, Police Sub-Divisions and Police Stations;

64. Officers in charge of Police Divisions, Sub-Divisions and Stations

The police divisions, sub-divisions and stations in a Commissionerate shall be manned as follows:

- 1) Each Police Division shall be under the charge of a Deputy Commissioner of Police, who may be assisted by one or more Assistant Commissioners of Police.
- 2) Each Police Sub-Division shall be under the charge of an Assistant Commissioner of Police who may be assisted by two or more Inspectors of Police.
- (3) Each Police Station shall be under the charge of an Inspector of Police who may be assisted by two or more Sub-Inspectors of Police and other ranks.

65. Policing to be Integral Part of Urban Planning

While planning for developmental activity in any area notified, the concerned agency shall consult the Commissioner or Superintendent of Police, as the case may be, to assess the likely impact on the safety and security needs of the citizens and other policing requirements. His suggestions, based on such assessment, shall be an integral part of such plan.

66. Liaison and Coordination with other Government Agencies

To ensure proper liaison and coordination between the police, local bodies and other departments of the government whose functioning impacts the safety, security and convenience of citizens, the State Government may, by notification, constitute a body.

Chapter X Community Policing

67. Community Policing

The Commissioner of Police or the Superintendent of Police shall ensure effective community policing through Citizen Committee, Programmes involving the children & youth and Helpline Desks;

1) The Citizen Committee:

- (a) For every police station, there shall be a citizen committee comprising of respectable residents of the area.
- (b) It shall have a fair representation of gender, class, social group, profession and other segments of the society.
- (c) It shall meet at least once in a quarter.
- (d) Station House Officer, Circle Inspector and Sub-Divisional Police Officer shall attend the citizen committee meetings.
- (e) The meetings shall be open to public.
- (f) The committee shall identify the existing and emerging policing needs of the area.
- (g) Station House Officer shall take into account such needs for preparing the annual action plan.
- (h) Station House Officer shall report to the Citizen Committee the action taken on the plan.
- (i) Station House Officer shall explain the reasons for any inadequacies or failures noticed by the committee.
- (j) Station House Officer shall, through the citizen Committee, create public awareness on any issue concerning policing.

2) (i) Programmes involving children:

- (a) Prevent child labour.
- (b) Rescue abandoned, runaway and destitute children.

- (c) Prevent forced or induced beggary by children.
- (d) Prevent child trafficking.
- (e) Protect children from being engaged for unethical purposes.
- (f) Prevent female infanticide.
- (g) Prevent child abuse.
- (h) Educate children on policing.
- (i) Train children in traffic rules and regulation.

(ii) Programmes involving youth:

- (a) Promote the concept of 'young friends of police'.
- (b) Impart civilian rifle training.
- (c) Train aspirant youth for police jobs.

3) Helpline Desks:

- a) Helplines for women, children and the aged
- b) May I Help You kiosks.

Chapter XI

Special Security Zones

68. Special Security Zones

For policing special security zones:

- 1) Any area threatened by insurgency, terrorism, militancy, leftwing extremism or organised crime, may be notified as a Special Security Zone by the Union Government with the concurrence of the State Government:
- 2) The notification shall be placed before the legislature for ratification within six months from the date of issue, or on its first sitting whichever is earlier.
- 3) The period of the notification shall not exceed two years unless ratified by the Parliament with the concurrence of the State Legislature.
- 4) For every Special Security Zone, there shall be an appropriate police structure and a supportive administrative set-up.
- 5) The Director General of Police shall lay down Standard Operating Procedures for police in each Special Security Zone.
- 6) The Union Government, at the request of the concerned State Governments, may notify areas falling in more than one state, as a Special Security Zone and provide for an appropriate integrated police structure to be funded by the concerned State Governments and the Union Government.
- 7) In a Special Security Zone, the State Government may, on the recommendation of the Director General of police, ban or regulate;
 - (a) production, sale, storage, possession or entry of any equipment, substance, material and literature; or
 - (b) inflow of funds; or
 - (c) movement of people.
- 8) The State Government, within the Special Security Zone, may make rules to prevent or control the activities threatening internal security or public order.
- 9) The State Government may, to ensure proper prosecution and speedy trial of cases, create additional/special courts in a Special Security Zone.
- 10) Where the Special Security Zone extends to more than one State, the Union Government may, in consultation with the concerned state governments, make appropriate rules.

Chapter XII

Prevention and Detection of Crime

69. Prevention and Detection of Crime

There shall be:

- 1) A separate establishment for effective prevention and efficient investigation of crime at each Police Station, Circle, Sub-division, District/Commissionerate and State head quarters; and,
- 2) At each police station;
 - (i) A desk to deal with crimes against women, children and senior citizens;
 - (ii) A Mobile Forensic Science Unit,
 - (iii) Facility for interrogation;
 - (iv) Facility for custody of detenues; and,
- 3) At State head quarters;
 - (i) A special criminal intelligence wing; and,
 - (ii) A Task Force for dealing with organized crimes;
- 4) The personnel posted to these units shall not be diverted to any other duty.
- 5) The police personnel posted to these units shall wear different uniform.
- 6) The investigative skills of the staff shall be upgraded periodically.
- 7) Latest scientific aids to investigation shall be adopted.
- 8) The staff shall have a minimum tenure of three years and a maximum of five years.
- 9) The Commissioner or District Superintendent of Police may create special Investigation Cells in his jurisdiction as and when required.

70. Criminal Investigation Department

There shall be a Criminal Investigation Department at the State capital. It shall function as a police station having statewide jurisdiction and investigate serious or complex crimes or crimes having inter-state/inter-district ramifications. The Director General of police may refer any case to Criminal Investigation Department for investigation. It shall have separate squads for investigation of different categories of crime including cyber crimes and organized crimes. The

officers deputed to the Criminal Investigation Department shall have a minimum tenure of three years and a maximum of five years. The Criminal Investigation Department shall have qualified legal advisors, forensic psychologists, crime analysts and such other professionals to guide, advise and assist the investigating officers.

Chapter XIII

Research and Development

71. State Bureau of Police Research and Development

There shall be a State Bureau of Police Research & Development, headed by an Inspector General of Police, assisted by qualified police officers having an aptitude for research work, and by other professionals or experts in the relevant fields to undertake research for the development of professionalism in police service. There shall be proper infrastructure for research including library, Information & Communication Technology facility and adequate financial support.

The Bureau shall:

- (a) prepare a five-year Perspective Plan to modernize and upgrade police infrastructure with the objective of enhancing the professional competence and efficient management of the Police Service. This Plan shall cover mobility, weaponry, information & communication technology, training, forensic infrastructure, equipment, residential & non-residential accommodation and other aspects relevant to qualitative improvement in policing;
- (b) harness emerging technologies for effective policing and evaluate for adoption by the State Police, any latest equipment or innovative technologies, introduced by other police organizations within the country or abroad;
- (c) liaise and coordinate with other States, Bureau of Police Research & Development, Government of India, academia, reputed scientific organizations or institutions or laboratories and private sector undertakings on relevant matters;
- (d) study specific problems of policing in the State and evolve solutions or remedial measures;

- (e) examine the prevalent system of policing and suggest organizational, structural, institutional or other improvements to make it more efficient and responsive;
- (f) study the impact of resources allotted to the State police;
- (g) evaluate the recruitment, training, posting, transfer and performance appraisal policies of the State police.

Chapter XIV

Discipline and Penalties

72. Regulation, Control and Discipline

The Director General shall make rules, regulations or issue orders for:

- (a) prevention, detection and investigation of crime;
- (b) maintenance of law and order;
- (c) regulation of the work performed by police officers;
- (d) inspections;
- (e) prescribing the scale of arms, clothing and other wherewithal;
- (f) prescribing the place of residence for Police personnel;
- (g) institution and management of any non-governmental fund for police welfare;
- (h) location, deployment and regulation of the police force;
- (i) assigning duties and vesting authority to all ranks;
- (j) collection, collation and dissemination of intelligence;
- (k) prescribing records, registers, forms and periodical returns;
- (l) rendering the police efficient; and
- (m) preventing abuse of power and neglect of duties.

73. Penalties

1) No police officer other than the Appointing Authority can award any of the following penalties:

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

2) A police officer not below the rank of Superintendent of Police may award any of the following punishments to any non-gazetted police officer subordinate to him:

- (a) reduction in pay;
- (b) withholding of increment;
- (c) withholding of promotion;

- (d) recovery of pecuniary loss caused to government;
- (e) fine not exceeding one month's pay;
- (f) censure;
- (g) reprimand;
- (h) fatigue duty.

3) A police officer not below the rank of Assistant/Deputy Superintendent of Police may reprimand or award censure to an officer of and below the rank of Sub Inspector of Police.

4) A police officer not below the rank of Inspector may award fatigue duty to Constable and Head Constable.

74. Suspension

1) A police officer not below the rank of Superintendent of Police may place a police officer of the rank of Inspector and below subordinate to him, under suspension:

- (a) where a disciplinary proceeding for award of punishment against him is pending or contemplated;
- (b) where a *prima facie* case exists for indulging in activities prejudicial to the security of State;
- (c) where there is evidence about his involvement in a criminal offence under investigation, inquiry or trial.

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

3) Where an officer is placed under suspension and another disciplinary proceeding is ordered against him during suspension, the competent authority may continue him under suspension.

4) An order of suspension may be revoked, modified or reviewed every six months or earlier *suo motu* or on a representation made by the officer under suspension.

5) If the period of suspension exceeds one year, the case shall be referred to the concerned Police Establishment Board.

75. Misconduct

A police officer shall be liable for disciplinary action for misconduct including:

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

76. Appeals

An appeal against any order of punishment passed against a police officer shall lie:

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

77. Disciplinary Rules

The State Government shall frame separate Disciplinary Proceedings Rules for police personnel.

78. Police always on duty

Every officer not on leave or under suspension shall be considered to be always on duty and may, at any time, be deployed within or outside the state. No police officer may abdicate his post or withdraw from his duties at the place of posting without authorization. No police officer may engage himself in any other employment or hold an office of profit other than his lawful duties.

Chapter XV

Accountability

79. Accountability

In addition to the existing mechanisms, accountability of the police shall be further ensured as detailed in this chapter.

80. Police Accountability Authority

The State Government, within three months of coming into effect of this Act, shall establish a Police Accountability Authority at the State and District/Commissionerate levels to inquire into complaints against the police personnel with regard to acts of omission or commission.

- 1) The authority may inquire into such complaints only after having satisfied that the complainant has exhausted the remedy available within the police hierarchy.
- 2) The Accountability Authority may also suo motu inquire into the complaints if the matter is:
 - (a) of such emergent nature that it cannot be expected to go through the normal channels of police hierarchy; or
 - (b) likely to cause irreparable damage or loss if not attended to immediately;
- 3) The Accountability Authority shall, upon such inquiry, issue directions to the appropriate authority for remedial action. The appropriate authority shall comply with the directions within the specified time.
- 4) The Accountability Authority may recommend to the appropriate authority for disciplinary action against the concerned, if found necessary. The authority concerned shall act on the recommendation. Police Accountability Authority shall be competent to oversee the progress of the action taken on its directions.
- 5) The Accountability Authority may also advise the appropriate authority to prevent recurrence of such incidents.
- 6) The appropriate authority at the State level shall be the State Government/DGP and at the District/Commissionerate level, the Superintendent of Police/Commissioner of Police concerned.

81. Jurisdiction:

- 1) The State Police Accountability Authority shall inquire into complaints against
 - a) officers of and above the rank of deputy/assistant superintendent of police;
 - b) police personnel posted in units other than districts/commissionerates
- 2) The District Police Accountability Authority shall inquire into complaints against officers of and below the rank of Inspector of police posted in the district/commissionerate.

82. Composition of the State Police Accountability Authority

- 1) The Authority shall have a Chairperson and six other members with credible record of integrity and commitment to human rights & rule of law, who may be appointed by the State Government, as specified below:
 - (a) a retired judge of High Court shall be the Chairperson;
 - (b) two persons of repute who are active in civil society movement and one of them shall be a woman as Members;
 - (c) a respectable and committed representative of scheduled caste and scheduled tribe as Member;
 - (d) a respectable and committed representative of minorities as Member;
 - (e) a retired officer of an All India Service not below the rank of Principal Secretary to the State Government or Joint Secretary to the Central Government with a minimum experience of two years in the Home Department of the State or the Central Government as Member;
 - (f) An Inspector General of Police shall be the Member Secretary.

83. Composition of District Police Accountability Authority

- 1) The District Accountability Authority shall have a Chairperson and five members with credible record of integrity and commitment to human rights & rule of law, who may be appointed by the State Government, as specified below:
 - (a) a retired District & Sessions Judge as be the Chairperson;
 - (b) a respectable and committed representative of scheduled caste and scheduled tribe as Member;

- (c) a respectable and committed representative of minorities as Member;
- (d) a respectable woman from the civil society movement as Member;
- (e) a respectable person with experience in public administration as Member;
- (f) An Additional Superintendent of Police as Member-Secretary.

84. Eligibility for Membership

A person, to be the Chairperson or a member of the Authority, shall:

- (a) be a citizen of India;
- (b) be below 65 years of age;
- (c) not be employed as a public servant, except member secretary;
- (e) not be holding or have held earlier any elected office;
- (f) not have been a member of, or associated with, in any manner at any time, an organization declared as unlawful;
- (g) not be a member of any political party;
- (h) not have been convicted for any criminal offence;
- (i) not be facing prosecution for any offence involving moral turpitude;
- (j) not be of unsound mind;
- (k) not have been an insolvent or applied for insolvency.

85. Term of office and conditions of service of members and Chairperson

1) The term of office of the Chairperson or a member shall be two years, unless he:

- (a) resigns at any time before the expiry of his term; or
- (b) is removed from office.

2) The Chairperson or a member shall not be re-appointed. 3) The remuneration, allowances and other terms and conditions of service of the Chairperson and members shall be as notified by the State Government from time to time.

86. Removal of Members

1) Any member of the State Authority may be removed from office, on the recommendation of the State Security Commission and of the District Authority on the recommendation of the State Authority, by an order of the State Government, on the grounds of:

- (a) proven misconduct or misbehaviour;
- (b) persistent negligence of duties;
- (c) engaging himself in any other paid employment;
- (d) rendering himself ineligible in any other manner.

87. Staff of the Authority

Adequate staff possessing requisite skills and experience shall be provided to the Authorities by the Government.

88. Conduct of Business

The State Authority shall devise rules for the conduct of business.

89. Powers of the Authority

- 1) The Authorities shall have the power to summon:
 - (a) any person of the police department;
 - (b) any document from any source;

90. Report of the State Police Accountability Authority

1) The State Police Accountability Authority shall prepare and submit to the State Security Commission an annual report before the end of each calendar year containing:

- (a) the number and type of complaints received and inquired into, and directions given on them;
- (b) the number and type of cases inquired into suo motu and directions given on them;
- (c) a summary of general advice given to the appropriate authority.

91. Report of the District Police Accountability Authority

1) Each District Police Accountability Authority shall prepare and submit to the State Police Accountability Authority an annual report before the end of each calendar year containing:

- (a) the number and type of complaints received and inquired into, and directions given on them;

(b) the number and type of cases inquired into suo motu and directions given on them;

(c) a summary of general advice given to the appropriate authority.

92. Relationship between the State and the District Police Accountability

Authorities

1) The State Police Accountability Authority may supervise or issue directions to the District Police Accountability Authority for its proper functioning.

2) the State Police Accountability Authority may allot any of the inquiries to a District Police Accountability Authority.

3) The District Police Accountability Authority shall assist the State Police Accountability Authority in everyway for the proper discharge of its functions.

4) The State Police Accountability Authority shall be competent to request the State Government to remove a member of the District Police Accountability Authority on any valid grounds.

93. Rights of the Complainant

1) The complainant shall have a right to be informed of the hearing, progress, and upon completion, the outcome of the inquiry.

2) The complainant may attend the hearings.

94. Funding

1) The State Government shall provide funds to the Authorities for effective performance of their functions.

2) The Authorities shall not obtain any resources or assistance from the police.

95. Protection for Action Taken in Good Faith

No suit or other legal proceeding shall lie against the State Government, State Security Commission, Police Accountability Authorities, their members, or persons acting under their direction, in respect of anything said or done or intended to be done in good faith, in pursuance of the provisions of this Act.

Chapter XVI

Grievance Redressal and Welfare

96. Grievance Redressal

There shall be a grievance redressal mechanism for police personnel, headed by an officer not below the rank of Inspector General of Police.

- 1) If the redressal of any grievance is beyond the purview of the police department, it shall be forwarded to the State Security Commission for remedy.
- 2) An analysis of cause and impact of grievances on the morale and efficiency of the Police shall be carried out annually, which shall be an integral part of the annual report of the State Police Board.

97. Weekly Off

The State Government shall grant at least one day off in a week to all police personnel or compensate adequately in lieu of such weekly off.

98. Working Hours

- 1) The State Government shall ensure not more than eight hours of duty a day for police.
- 2) Compensation for the extended period of duty shall not be less than twice the normal salary.

99. Welfare Bureau

There shall be a Police Welfare Bureau headed by an officer not below the rank of Additional Director General of Police to advise and assist the Director General of Police in the implementation of welfare measures.

- 1) The Bureau shall address the grievances of police personnel with regard to their service conditions and formulate, administer and review welfare measures for police personnel including;
 - (a) health care schemes for police personnel and their dependents;
 - (b) medical assistance for injuries sustained while on duty;
 - (c) financial security for the next of kin of those dying in harness;
 - (d) post-retirement employment, financial security and health care;
 - (e) housing;

- (f) education, career counselling and training in appropriate skills for dependents; and
 - (g) legal assistance to police officers facing court proceedings relating to bonafide discharge of duty.
- 2) The Bureau shall comprise of representatives from all ranks as nominated by the Director General of Police.
 - 3) The Bureau may lay down norms and policies relating to police welfare
 - 4) The Bureau may monitor welfare activities undertaken by various police units in the state.
 - 5) The Bureau may interact with other departments, public sector undertakings, corporate bodies and other organizations for the above purposes.
 - 6) Police Welfare Fund shall be created for the welfare activities comprising of:
 - (a) outright financial grant by the state; and
 - (b) matching grant by the state to the contributions raised by the police personnel.

100. Insurance cover, Allowances and Medical facilities

- 1) Police personnel shall have insurance coverage for injury, disability, or death caused while performing duties.
- 2) Police personnel posted in Counter-Terrorism Operation Unit, Bomb Detection & Disposal Squad, Commando Group, Task Force and such other units shall be entitled to risk allowance.
- 3) Police personnel shall be entitled to medical insurance.

101. Stress Management and Counseling

There shall be centres at the State, district and sub-division levels with facilities for stress management including yoga, meditation and professional counselling.

Chapter XVII

Order in public places, General offences, Penalties and Responsibilities

102. Preservation of order and regulation of traffic

The Commissioner or District Superintendent of Police may, from time to time, make rules, notify places or issue regulations for;

- (i) use of roads, streets and other public places for walking, driving, cycling, or accompanying animals, and for parking of vehicles, with a view to ensure smooth and orderly movement;
- (ii) keeping of a place of public amusement or public entertainment including cinema house for ensuring safety and well-being of persons;
- (iii) playing music or using a sound system in any public place, or place of public entertainment to prevent nuisance, and maintain peace & public order; and,
- (iv) public meeting or assembly to maintain peace & public order.

103. Prevention of disorder

The Commissioner and District Superintendent of Police may, to prevent public disorder, prohibit:

- (i) collecting or carrying any dangerous, provocative or offensive material;
- (ii) provocative, indecent, offensive speeches, gestures or displays;
- (iii) use of any place or route.

104. Removal of persons about to commit offences

1) Whenever it appears to the Commissioner or the District Superintendent of Police that;

- (a) the movements or acts of any person are causing or are likely to cause alarm, danger or harm to person or property; or
- (b) there are reasonable grounds for believing that such person is engaged or is about to engage in commission of an offence involving force or violence; or
- (c) a person:
 - (i) is so dangerous as to render his being at large in the area hazardous to the community; or

- (ii) has been found habitually intimidating others by acts of violence or by show of force; or,
- (iii) habitually commits breach of peace or riot, or
- (iv) habitually makes forcible collection of money or threatens people for illegal pecuniary gain for himself or for others; or
- (v) habitually outrages the modesty of women, or molests children,

And witnesses are not willing to give evidence in public against such person due to fear or threat, may direct such person to remove himself outside the jurisdiction up to one year.

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

- 2) No order under this Section shall be passed without giving a reasonable opportunity to such person of tendering an explanation.
- 3) A person aggrieved by any action taken under this Section may appeal within thirty days of passing of the order.
- 4) The person violating an order passed under this Section shall be liable to imprisonment for a minimum term of six months and fine.

105. Regulation of processions:

- 1) A person intending to convene an assembly or organize a procession in any public place or road shall intimate the station house officer in writing indicating nature of assembly/procession, number & gender of persons, vehicles and route of such procession, well in advance.
- 2) Any police officer not below the rank of Station House Officer may prescribe:
 - (a) the manner, place, route, date and time at which such procession may or may not pass;
 - (b) conduct, behaviour or acts of members of such procession;
 - (c) conditions or prohibit carrying dangerous objects, or offensive or provocative material.
- 3) On intimation or otherwise, a Police officer not below the rank of Deputy Superintendent of Police may prohibit the assembly or procession in public

interest, or may prescribe the manner, place, route, time and impose conditions for regulation of assemblies or processions in any public place or road.

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

A police officer not below the rank of Station House Officer, may direct any person to do or abstain from doing certain act with respect to any nuclear, biological, chemical or other dangerous material under his possession or control, with a view to prevent danger or damage to human life or property, or an imminent threat to peace and order.

107. Security for keeping peace and order

1) A police officer not below the rank of Station House Officer may require, a person who;

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

(b) habitually commits, or attempts to commit, or abets the commission of an offence or breach of peace;

(c) is dangerous or hazardous to the community;

to show cause why he should not be ordered to execute a bond for good behaviour, in the interest of peace and order, in his jurisdiction, upto one year.

2) An officer acting under Sub-Section (1) shall be competent to conduct the proceedings and issue orders in accordance with the Code of Criminal Procedure, 1973.

108. Violation of Regulatory Conditions:

1) A Police Officer not below the rank of Sub-Inspector, authorised in this behalf by an officer not below the rank of a Deputy Superintendent of Police in his jurisdiction, may stop or order to disperse any assembly or procession violating the regulatory conditions.

2) Any assembly or procession disobeying any regulatory order shall be deemed to be an "unlawful assembly" under Chapter- VIII of the Indian Penal Code, 1860.

109. Regulation of certain activities in public interest

An officer not below the rank of Deputy Superintendent of Police may:

1) Prescribe the time and volume at which music may be played and sound systems be used in any public place.

- 2) Regulate any activity causing annoyance to the public.
- 3) Prevent any activity leading to contamination or pollution.
- 4) Stop any activity likely to be a hazard to public health.

110. Directions to keep order on public roads

The Station House Officer may give directions to the public to keep order in any public place or road to prevent pollution, obstruction, injury, or annoyance to passers by or residents.

111. Power to reserve public places and erect barriers

The District Superintendent of Police or the Commissioner of Police in his jurisdiction may temporarily;

- (a) reserve any public place for public purpose and restrict entry to it.
- (b) authorise a police officer to erect barriers in a public place or road to check vehicles or their occupants for verification;
- (c) prescribe steps to be taken to ensure public safety.

112. Penalty for disobeying orders or directions

Any person not obeying the regulatory orders may be arrested and on conviction by a court of law, shall be liable for fine, and any apparatus or equipment used in such violation shall be liable for confiscation.

113. Obstruction to Police Work

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

114. Unauthorized use of Police Uniform

Whoever, not being a member of the Police Service wears, without obtaining permission from an officer authorized in this behalf by the State Government, police uniform or similar dress or any appendage of uniform; uses any articles or symbols signifying police service, shall, on conviction, be punished with imprisonment not exceeding six months or fine or both.

115. Return of Certificate on Ceasing to be a Member of Police

Whoever, having ceased to be a police officer shall forthwith return his/her certificate of appointment, clothing, accoutrements and other wherewithal

supplied to him for the execution of his duty. Failure to do so, shall on conviction by a court of law, be liable to fine or both.

116. False or Misleading Statement made to the Police

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

117. Offences in Public Places

1) A person committing the following offences shall be liable to imprisonment for a term, which may extend to three months, or fine or both.

(a) keeping any cattle or allowing them to stray, or allowing conveyance of any kind standing longer than is required, in a public place, causing inconvenience or danger to the public;

(b) being found intoxicated and riotous in a public place;

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

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

(e) entering or remaining without sufficient cause in or upon any land, building, vessel or vehicle belonging to the Government or a local body;

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

(g) damaging or sabotaging any public alarm system;

(h) causing damage to an essential service to cause panic among the public;

(i) acting in contravention of a public notice:

(j) causing annoyance to a woman by making indecent overtures or calls or by stalking.

2) A police officer may arrest without warrant any person committing an offence mentioned in sub-Section (1).3) Whoever commits any offence under

sub-Section (1), on second and subsequent conviction shall be liable to enhanced punishment.

118. Dereliction of Duty by a Police Officer

1) Whoever, being a police officer:

(a) wilfully neglects to comply with any legal provisions, rules, laid down procedures or regulations applicable to him; or

(b) fails to register First Information Report; or

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

(d) malingers or feigns illness or injury or voluntarily hurts himself to evade duty; or

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

(f) is guilty of cowardice; or

(g) abdicates or withdraws from duties; or

(h) remains absent unauthorisedly from duty for more than 21 days; or

(i) uses criminal force against another police officer; or

(j) indulges in gross insubordination; or

(k) participates in any demonstration, procession or strike, or abets any form of strike; or

(l) coerces or uses physical force to compel any authority to concede to his demand; or

(m) is guilty of sexual harassment in the course of duty.

shall be liable for disciplinary action.

119. Illegal arrest, search or seizure

Whoever, being a police officer, without lawful authority or reasonable cause:

1) detains, arrests, or searches; or

2) delays producing an arrested person before the appropriate authority; or3) enters, searches, causes to be entered or searched, any place, building, vessel or tent; or

4) seizes property.

shall be liable for disciplinary action.

Chapter XVIII Miscellaneous

120. Powers to Operate Certain Special Acts

The State Government shall assign the enforcement and administration of the following Acts and any other Act, as deemed necessary, to the Commissioner and the Superintendent of Police:

- 1) *The Indian Explosives Act, 1884;*
- 2) *The Mental Health Act, 1987.*
- 3) *The Poisons Act, 1919.*
- 4) *The Police (Incitement to Disaffection) Act, 1922.*
- 5) The Immoral Traffic Prevention Act, 1956.
- 6) The Indian Arms Act, 1959.
- 7) The Prevention of Cruelty to Animals Act, 1960
- 8) The Indian Sarais Act, 1867.
- 9) The Cinematograph Act, 1952
- 10) The Child Marriage Restraint Act, 1929
- 11) The domestic violence Act,
- 12) Unlawful Activities (Prevention) Amendment Act, 2004

121. Publishing Directions or Regulations

- 1) All directions or regulations shall be published by;
 - a) posting notices in the office of the District Magistrate, Tahsil office and Panchayat office of the area affected; or
 - b) affixing copies in conspicuous places near the building or place to which the notice relates; or
 - c) announcing it by the beating of drums; or
 - d) advertising in local newspapers and other media, including Internet based official websites; or
 - e) any other means as the Superintendent/Commissioner of Police may deem fit.

2) The Superintendent / Commissioner of Police may, in public interest, bring any regulation into force with immediate effect or issue directions without previous publication in his jurisdiction.

122. Protection to Police Officer 1) No Police Officer, or a person authorized by him, shall be liable for any penalty or damages for the acts done, orders issued or directions given in good faith in pursuance of any duty imposed on him by this Bill.

2) No court shall, without previous sanction of the government, take cognizance of any complaint or suit against a police officer, or a person authorized by him, in respect of any acts done, orders issued or directions given in good faith in pursuance of any duty imposed on him by this Act.

123. Limitation

The limitation provided for in Section 468 of the Code of Criminal Procedure, 1973 shall apply to the provisions of this Act.

124. Method of Proving Orders and Notifications

Any order or notification published under this Act may be proved by the production of a copy certified by the competent authority.

125. Validity of Rules and Orders

No rule, notification, order, regulation or direction made or published, and adjudication, inquiry or other acts done under this Act or Rules made hereunder, shall be deemed illegal, void or invalid by reason of any defect of form.

126. Officers holding charge competent to exercise powers

Any police officer holding charge of a post shall be competent to exercise all the powers and perform all the duties of that post, under this Act.

127. Issue, Revocation and Production of Licence

1) A licence granted under this act shall specify the purpose, person/body, area/location, period of validity and conditions applicable, and shall be signed by the competent authority.

2) A licence may be suspended or revoked by the competent authority, for violation of any condition by the person/body to whom it has been granted or his/its conviction in any matter relating to the licence.

- 3) police officer may at any time require a licensee to produce the licence, during its validity

128. Power to remove difficulties

- (1) If any difficulty arises in giving effect to the objectives of this Bill, the State Government may, by notification in the Official Gazette, remove such difficulty.
- 2) Every such notification shall be laid before the legislature for approval within six months from the date of notification.

129. Framing of Rules

- 1) The Government may make rules for carrying out the purposes of this Bill.
- 2) Every rule framed under this Act shall be notified in the Official Gazette.
- 3) Every such rule shall be laid before the Legislature within six months from date of notification.
- 4) Any modification to, or annulment of rule, shall be without prejudice to the validity of anything previously done under that rule.

130. Persons Aggrieved may apply to State Government

Appeal against provisions of this Act shall lie with the Government.

131. Repeal and Saving

- 1) The Karnataka Police Act, 1963 is hereby repealed.
- 2) Notwithstanding such repeal, anything done or any action taken or any proceeding instituted under the Act so repealed shall be deemed to have been done or taken or instituted under the corresponding provisions of this Act.
- 3) All references in any enactment to any of the provisions of the Act so repealed shall be construed as references to the corresponding provisions of this Act.