

Transfer and
posting of
non-gazetted
ranks within a
police range or
Police district

46. Postings and transfers of non-gazetted police officers within a Police District shall be decided by the District Superintendent of Police.

Chapter – IV

Role, Function, Duties and Responsibilities of the Police.

Role and
Functions of
the Police

47. The role and functions of the police shall broadly be,-

- (a) to uphold and enforce the law impartially, and to protect life, liberty, property, human rights, and dignity of the members of the public ;
- (b) to promote and preserve public order;
- (c) to protect internal security, to prevent and control terrorist activities, breach of communal harmony, militant activities and other situations affecting Internal Security;
- (d) to protect public properties including roads, railways, bridges, vital installations and establishments etc. against acts of vandalism, violence or any kind of attack;
- (e) to prevent crimes, and reduce the opportunities for the commission of crimes through their own preventive action and measures as well as by aiding and cooperating with other relevant agencies in implementing due measures for prevention of crimes;
- (f) to accurately register all complaints brought to them by a complainant or his representative, in person or received by post, e-mail or other means, and take prompt follow-up action thereon, after duly acknowledging the receipt of the complaint;
- (g) to register and investigate all cognizable offences coming to their notice through such complaints or otherwise, duly supplying a copy of the First Information Report to the complainant, and where appropriate, to apprehend the offenders, and extend requisite assistance in the prosecution of offenders;
- (h) to create and maintain a feeling of security in the community, and as far as possible prevent conflicts and promote amity;
- (i) to provide ,as first responders, all possible help to people in situations arising out of natural or man-made disasters, and to provide active assistance to other agencies in relief and rehabilitation measures;
- (j) to aid individuals who are in danger of physical harm to their person or property, and to provide necessary help and afford relief to people in distress situations;
- (k) to facilitate orderly movement of people and vehicles, and to control and regulate traffic on roads and highways;
- (l) to collect intelligence relating to matters affecting public peace, and all kind of crimes including social offences, communalism, extremism, terrorism and other matters relating to national security, and disseminate the same to all concerned agencies, besides acting, as appropriate on it themselves;
- (m) to take charge, as a police officer on duty, of all unclaimed property and take action for their safe custody and disposal in accordance with the procedure prescribed.

Social
Responsibilities
of the Police

48. Every Police officer shall ,-

- (a) behave with the member of the public with due courtesy and decorum, particularly so in dealing with senior citizens, women, and children;

- (b) guide and assist members of the public, particularly senior citizens, women, children, the poor and indigent and the physically or mentally challenged individuals, who are found in helpless condition on the streets or other public places or otherwise need help and protection;
- (c) provide all requisite assistance to victims of crime and of road accidents, and in particular ensure that they are given prompt medical aid;
- (d) ensure that in all situations, especially during conflict between communities, classes, castes and political groups, the conduct of the police is always governed by the principles of impartiality and human rights norms, with special attention to protection of weaker sections including minorities;
- (e) prevent harassment of women and children in public places and public transport, including stalking, making objectionable gestures, signs, remarks or harassment caused in any way;
- (f) render all requisite assistance to the members of the public, particularly women, children, and the poor and indigent persons, against criminal exploitation by any person or organized group; and
- (g) arrange for legally permissible sustenance and shelter to every person in custody and making known to all such persons provisions of legal aid schemes available from the Government and also inform the authorities concerned in this regard.

Duties in
emergency
situation

49. (1) The State Government may, by notification in the Official Gazette, declare a specified service to be an essential service to the community, for a specified period, which may be further extended from time to time, by a notification, as may be necessary.
- (2) Upon a declaration being made under sub-section (1) and so long it remains in force, it shall be the duty of every police officer to obey any order given by any officer superior to him in connection with the service specified in the declaration.
- (3) assist the physically handicapped, senior citizens, women and children in public places and public transport and citizens during national calamities and natural disasters;

Chapter V

Policing in the Context of Public Order and Internal Security Challenges

Drawing up of
Internal Security
Scheme

50. The Director General of Police of the State shall, with the approval of the State Government, draw up an Internal Security Scheme for the entire State as well as for each of the districts and urban areas notified, to deal with problems of Public Order and Security of State, as specific to the area.

Review and
Revise of the
Scheme

51. The Internal Security Schemes so formulated shall be reviewed, and revised as necessary, at least once annually and more frequently if required.

Matters to be
covered under
the Scheme.

52. The Internal Security Scheme shall, *inter alia*, cover the role of the police with regard to the security of any establishment or installation relating to critical infrastructure, if any located in the area.

Measures to be taken in certain situations

53. (1) Any organization, while taking up any activity or programme which is otherwise unobjectionable but may have the potential for disturbing law and order may inform the police, and thereupon, the police shall take such measures as deemed necessary to deal with the situation.
- (2) While preparing the Internal Security Scheme under section 50, the police shall take into consideration the contingencies of specific law and order problems, and security requirements that may arise in such situations.

Regular Updation of the Scheme

54. The Internal Security Schemes shall incorporate regularly updated and comprehensive Standard Operating Procedures for the action to be taken by the police, independently or in coordination with other concerned agencies in the period preceding, during, and in the aftermath of problems of each kind.

Chapter VI

Effective Crime Investigation, Including Use of Science And Technology in Investigation

Investigation by special crime investigation unit

55. The State Government shall ensure that in all Metropolitan Police Stations having a population of 10 (ten) lakhs or more, a Special Crime Investigation Unit, headed by an officer not below the rank of Inspector of Police, is created with an appropriate strength of officers and staff, for investigating organized, economic, and heinous crimes. The personnel posted to this unit shall not be diverted to any other duty, except under very special circumstances with the written permission of the Director General of Police. The State Government may, however, gradually extend this scheme to other urban Police Stations.

Selection of Officers for Special Crime Investigation Unit

56. The officers posted in the Special Crime Investigation Unit shall be selected on the basis of their aptitude, professional competence and integrity. Their professional skills shall be upgraded, from time to time, through specialized training in investigative techniques, particularly in the application of scientific aids to investigation and forensic science techniques.

Officers of the Unit

57. The officer posted to the Special Crime Investigation Units shall investigate crimes entrusted to the Unit by the District Superintendent of Police.

Forensic advise

58. Necessary legal and forensic advice shall be made available to investigating officers during investigations.

Supervision of investigation by Special Crime Investigation Unit.

59. The investigations of cases taken up by the Special Crime Investigation Unit personnel, over and above the supervision of the Officer in Charge concerned, shall be supervised at the district level by an officer not below the rank of Additional Superintendent of Police who shall report directly to the District Superintendent of Police:

Provided that in smaller districts where the volume of work does not justify posting of an Additional Superintendent of Police, an officer of the rank of Deputy Superintendent of Police shall be posted for this purpose.

One or More
Special
Investigation Cell
in each District

60. At the headquarters of each Police District, one or more Special Investigation Cells shall be created, with the requisite strength of officers and staff, to take up investigation of offences of a more serious nature and other complex crimes, including economic crimes.

Criminal
Investigation
Department

61. The Criminal Investigation Department of the State, shall take up investigation of such crimes of inter-state, inter-district or of otherwise serious nature, as notified by the State Government from time to time, and as may be specifically entrusted to it by the Director General of Police of the State in accordance with the prescribed procedures and norms.

Specialized
Units

62. The Criminal Investigation Department shall have specialized units for investigation of cyber crime, organized crime, homicide cases, economic offences, and any other category of offences, as notified by the State Government and which require specialized investigative skills.

Selection of
Officers

63. The officers posted to the Criminal Investigation Department shall be selected on the basis of their aptitude, professional competence, experience and integrity. They will undergo appropriate training upon induction, and their knowledge and skills will be upgraded from time to time through appropriate refresher and specialized courses.

Chapter VII Regulation, Control and Discipline

Framing of
rules for
administration
of Police

64. Subject to the approval of the State Government, the Director General of Police of the State shall make, regulations or issue orders, not inconsistent with this Act or with any other enactment for the time being in force for,-

- (a) prevention and investigation of crime;
- (b) maintenance of law and order;
- (c) regulation and inspection of the police organization, and of the work performed by police officers;
- (d) determining the description and quantity of arms, accoutrements, clothing and other wherewithal to be provided to the Police Service;
- (e) prescribing the places of residence of members of the Police Services;

- (f) institution, management and regulation of any non-Government fund for purposes connected with the police administration or welfare of police personnel;
- (g) regulation, deployment, movements and location of the police;
- (h) assigning duties of officers of all ranks and grades, and prescribing the manner and the conditions subject to which, they shall exercise and perform their respective powers and duties;
- (i) regulating the collection and communication of intelligence and information by the police;
- (j) prescribing the records, registers and forms to be maintained and the returns to be submitted by different police units and officers; and
- (k) generally, for the purpose of rendering the police more efficient, and preventing abuse of power and neglect of duties by them.

Rules for
Police personnel

65. Police personnel in the State shall be governed by the existing relevant Discipline and Appeal Rules and other Service Conduct Rules in force, as applicable to the Indian Police Service, State Police Service and others serving in the State Police establishment.

Police Officers
always on duty

66. Every officer not on leave or under suspension shall, for all purposes of this Act, be considered to be always on duty and may at any time be deployed in any part of the State.

No abdication or
withdrawal without
Authority

67. No police officer shall abdicate his duties or withdraw himself or from his place of posting or deployment, without proper authorization.

Explanation: An officer who, being absent on authorized leave, fails without reasonable cause to report for duty at the expiration of such leave, shall be deemed within the meaning of this Section to withdraw himself from the duties of his office.

Police officer
barred from other
employment

68. No police officer shall engage in any other employment or office of profit whatsoever, other than his duties under this Act.

Chapter VIII

POLICE ACCOUNTABILITY

Accountability of
Police

69. In addition to the already existing mechanisms, and functions, duties and responsibilities of the departmental authorities, accountability of the police shall be further ensured through the additional mechanisms detailed in this Chapter.

**Police
Accountability
Commission**

70 The State Government shall, within three months of the coming into effect of this Act, establish a State-level Police Accountability Commission ("the Commission"), consisting of a Chairperson, Members and such other staff as may be necessary, to enquire into public complaints supported by sworn statement against the police personnel for serious misconduct and perform such other functions as stipulated in this Chapter.

**Composition of
the Commission**

71. The Commission shall have a Chairperson and three members with a credible record of integrity and commitment to human rights and shall consist of,-

(a) a retired High Court Judge, who shall be the Chairperson of the Commission;

(b) a retired police officer superannuated in the rank of Director General of Police or Additional Director General of Police;

(c) a person with a minimum of 10 years of experience either as a judicial officer, public prosecutor, practicing advocate, or a professor of law; or a person of repute and standing from the civil society; and

(d) a retired officer with experience in public administration, not below the rank of Commissioner and Secretary to the State Government:

Provided that at least one member of the Commission shall be a woman and not more than one member shall be a retired police officer.

**Appointment of
Chairperson and
Members**

72. The Chairperson and the Members of the Commission shall be appointed by the State Government.

**Ineligibility for
membership**

73. A person shall be ineligible to be a Member of the Commission, if he,-

(a) is not a citizen of India;

(b) is serving in any police, military or allied organizations, or has so served in the twelve months preceding such appointment;

(c) is employed as a public servant;

(d) holds any elected office, including that of Member of Parliament or State Legislature or any local body;

(e) is a member of, or is associated in any manner with, an organization declared as unlawful under an existing law;

(f) is an office-bearer or a member of any political party;

(g) has been convicted for any criminal offence involving moral turpitude or for an offence punishable with imprisonment of one year or more;

- (h) is facing prosecution for any offence mentioned in Clause (g) above and against whom charges have been framed by a Court of Law; or
- (i) is of unsound mind and has been so declared by a competent Court.

Term of office and conditions of service of members and Chairperson

74. (1) The term of office of a Member, and the Chairperson, shall be three years unless -

- (a) he resigns at any time before the expiry of his term, or
- (b) he is removed from the office on any of the grounds mentioned in section 75.

(2) Members shall be eligible for reappointment on the expiry of term, provided that no Member shall be eligible to hold office for more than two terms.

(3) The remuneration, allowances and other terms and conditions of service of the Members shall be as notified by the State Government from time to time and shall not be varied to their disadvantage after appointment.

Removal of Members

75. (1) Any Member of the Commission may be removed from office, on the recommendation of the Commission, by an order of the State Government on the grounds of,-

- (a) proven misconduct or misbehaviour or incompetence;
- (b) persistent neglect to perform duties of the Commission;
- (c) occurrence of any situation that would make a Member ineligible for appointment to the Commission under section 73;
- (d) any Member engaging himself during his term of office in any paid employment outside the duties of his office; or
- (e) incapacitation by reasons of physical or mental infirmity or otherwise becoming unable to discharge his functions as a Member.

The staff of the Commission

76. (1) Members of the Commission shall be assisted by adequate staff with requisite skill, for efficient discharge of their functions of the Commission;

(2) The strength of the staff may be prescribed by the State Government, keeping in view the size of the State, its population, and the average number of complaints against the police, and shall be periodically reviewed and revised.

(3) The staff shall be selected by the Commission, inter alia, on a contractual basis, through a transparent process; and

- (4) The remuneration and other terms and conditions of service of the staff shall be prescribed by the State Government from time to time.

Conduct of business

77. The Commission shall devise its own rules for the conduct of its business.

Functions of the Commission

78. (1) The Commission shall enquire into allegations of "serious misconduct" against police personnel, as detailed below, either *suo moto* or on a complaint received from any of the following:

- (a) a victim or any person on his behalf;
- (b) the National or the State Human Rights Commission;
- (c) the police; or
- (d) any other source.

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

- (a) death in police custody;
- (b) grievous hurt, as defined in section 320 of the Indian Penal Code, 1860;
- (c) molestation, rape or attempt to committing rape; or
- (d) arrest or detention without due process of law;
- (e) forceful deprivation of a person of his rightful ownership or possession of property;
- (f) blackmail or extortion;
- (g) Non registration of First Information Report:

Provided that the Commission shall enquire into a complaint of such arrest or detention, only if it is satisfied *prima facie* about the veracity of the complaint.

- (2) The Commission may also enquire into any other case referred to it by the Government or Director General of Police of the State if, in the opinion of the Commission, the nature of the case merits an independent enquiry.
- (3) The Commission may monitor the status of departmental inquiries or departmental action on the complaints of "misconduct" against Gazetted Officer of and above the rank of Deputy/Assistant Superintendent of Police through a quarterly report obtained periodically from the Director General of Police of the State, and issue appropriate advice to the police department for expeditious completion of inquiry, if in the Commission's opinion the departmental inquiry or departmental action is getting unduly delayed in any such case;

Explanation : "Misconduct" in this context shall mean any will-full breach or neglect by a police officer of any law, rule, regulation applicable to the police that adversely affects the rights of any member of the public, excluding "serious misconduct" as defined in sub-section (1).

- (4) The Commission may also call for a report from, and issue appropriate advice for further action or, if necessary, a direction for a fresh inquiry by another officer, to the Director General of Police of the State when a complainant, being dissatisfied by the outcome of, or inordinate delay in the process of departmental inquiry into his complaint of "misconduct" as defined above, by any police officer, brings such matter to the notice of the Commission; and
- (5) The Commission may lay down general guidelines for the state police to prevent misconduct on the part of police personnel.

Powers of the Commission

79. In the cases directly enquired by it, the Commission shall have all the powers of a Civil Court trying a suit under the Code of Civil Procedure, 1908, and in particular in respect of the following matters:-

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

Statements made to the Commission

80. No statement made by a person in the course of giving evidence before the Commission shall subject that person to a civil or criminal proceeding or be used against him in such proceeding, except a prosecution for giving false evidence:

Provided that the statement,-

- (a) is made in reply to the question which he is required by the Commission to answer; or
- (b) is relevant to the subject matter of the inquiry:

Provided further that on conclusion of the inquiry into a complaint of 'serious misconduct' against the police personnel, if the Commission is satisfied that the complaint was vexatious, frivolous or malafide, the Commission may impose such fine as considered appropriate on the complainant.

Persons likely to be
prejudicially
affected to be
heard

81. If, at any stage of the inquiry, the Commission considers it necessary to inquire into the conduct of any person, or is of the opinion that the reputation of any person is likely to be prejudicially affected by the inquiry, it shall give that person a reasonable opportunity of being heard in the inquiry and to produce evidence in his support:

Provided that nothing in this section shall apply where the credibility of a witness is being impeached.

Decisions and
Directions of
the Commission

82. In the cases directly inquired by the Commission, it may, upon completion of the inquiry, communicate its findings to the Director General of Police of the State and the State Government with a direction to:

- (a) register a First Information Report; and/or
- (b) initiate departmental action based on such findings, duly forwarding the evidence collected by it to the Police. Such directions of the Commission shall be binding:

Provided that the Commission, before finalizing its own opinion in all such cases shall give the Director General of Police of the State an opportunity to present the Department's view and additional facts, if any, not already in the notice of the Commission:

Provided further that, in such cases, the Commission may review its findings upon receipt of additional information from the Director General of Police of the State that may have a material bearing on the case.

Reports of the
Commission

83. (1) The Commission shall prepare an annual report at the end of each calendar year, *inter alia*, containing,-

- (a) the number and type of cases of "serious misconduct" inquired into by it;
- (b) the number and type of cases of "misconduct" referred to it by the complainants upon being dissatisfied by the departmental inquiry into his complaint;
- (c) the number and type of cases including those referred to in (b) above in which advice or direction was issued by it to the police for further action;
- (d) the number of complaints received by the District Accountability Authorities, and the manner in which they were dealt with;
- (e) the identifiable patterns of misconduct on the part of police personnel in the State; and
- (f) recommendations on measures to enhance police accountability.

- (2) The annual report of the Commission shall be laid before the State Legislature and shall be a public document, made easily accessible to the public.
- (3) The Commission may also prepare special reports with respect to specify cases directly inquired into by it. These reports shall also be made easily accessible to the public.

District
Accountability
Authority

84. (1) The State Government may establish in each Police Districts or a group of districts in a police range, a District Police Accountability Authority to enquire into cases of complaints of serious misconduct against police personnels, as defined in sub-section (1) of section 78 .
- (2) The District Accountability Authority shall have one Chairperson and three Members with a credible record of integrity and commitment to human rights and shall be selected from amongst retired persons with judicial experience in the rank of District Judge or person having legal background having experience and qualification to be appointed as District Judge, a retired senior police officer, a retired senior civil servant and an eminent person from civil society.
 - (3) The chairperson and other members of the District Accountability Authority will be appointed by the Government.
 - (4) Condition of ineligibility, terms of office , terms and conditions of service, and condition of removal from office for the Chairperson and members of the District Accountability Authority will be same as provided in respect of Police Accountability Commission under chapter VIII .

Functions of
District
Accountability
Authority.

85. (1) The District Accountability Authority may perform the following functions as may be notified by the Government :
- (a) forward the complaints of "serious misconduct", received directly by it, to the Commission for further action;
 - (b) forward for further action. the complaints of "misconduct" received directly by it, to the District Superintendent of Police:
Provided that if the complaint contains allegations against any police officer of or above the rank of Assistant/Deputy Superintendent of Police, the District Accountability Authority shall forward the same to the Director General of Police of the State under intimation to the Commission, for further action.
 - (c) issue appropriate advice to the District Superintendent of Police for expeditious completion of inquiry, if, in the Authority's opinion, the inquiry is getting unduly delayed in any such case;
 - (d) report cases to the Commission where departmental enquiry into "misconduct" is not concluded in time by the police department in spite of the Authority's advice(s) to the District Superintendent of Police.

- (2) The Authority may also, in respect of a complaint of "misconduct" against an officer below the rank of Assistant /Deputy Superintendent of Police, call for a report from, and issue appropriate advice for further action or, if necessary, a direction for fresh inquiry by another officer, to the District Superintendent of Police when a complainant, being dissatisfied by an inordinate delay in the process of departmental inquiry into his complaint of "misconduct" or outcome of the inquiry if the principles of natural justice have been violated in the conduct of the disciplinary inquiry, brings such matter to its notice.

Report of the
District
Accountability
Authority.

86. (1) Each District Accountability Authority shall prepare and submit to the Commission an annual report before the end of each calendar year, inter alia, containing,-

- (a) the numbers and types of cases of "serious misconduct" and "misconduct" forwarded by it to the Commission and the District Superintendents of Police respectively, during the year;
- (b) the number and types of cases monitored by it during the year;
- (c) the number and types of cases of "misconduct" referred to it by the complainants upon being dissatisfied by the departmental inquiry into his complaint;
- (d) the number and types of cases referred to in (c) above in which advice or direction was issued by it to the police for further action; and
- (e) recommendation on measures to enhance police accountability.

Relationship between
the Commission and
the District
Accountability
Authority

87. (1) The Commission shall control and supervise, and issue suitable directions to the District Accountability Authorities for their proper functioning.

- (2) The District Accountability Authorities will assist the Commission in every way for the proper discharge of the Commission's functions.

- (3) Where the Commission considers that any of the conditions laid down in Section 75 read with Section 84(4) of this Chapter for the removal of a member has been fulfilled, it shall be competent to request the State Government to initiate appropriate proceedings against that member of the District Authority.

Rights of the
complainant

88. (1) The complainant may lodge his complaint relating to any "misconduct" on the part of police personnel with either the departmental police authorities or with the Commission or the District Accountability Authority:

Provided that no complaint shall be entertained by the Commission or the District Authority if the subject matter of the complaint is being examined by any other Commission, or any Court.

- (2) In cases where a complainant had lodged a complaint with the police authorities, he may inform the Commission or the District Accountability Authority at any stage of the departmental inquiry about any undue delay in the processing of the inquiry.
- (3) The complainant shall have a right to be informed of the progress of the inquiry from time to time by the inquiring authority (the concerned police authority Commission or the District Accountability Authority). Upon completion of inquiry or departmental proceedings, the complainant shall be informed of the conclusions of the same as well as the final action in the case at the earliest.
- (4) The complainant may attend all hearings in an inquiry concerning his case. The complainant shall be informed of the date and place of each hearing.
- (5) All hearings shall be conducted in a language intelligible to the complainant. In a case where hearings cannot be conducted in such a language, the services of an interpreter shall be requisitioned if the complainant so desires.
- (6) Where upon the completion of the departmental inquiry, the complainant is dissatisfied with the outcome of the inquiry on the grounds that the said inquiry violated the principles of natural justice, he may approach the Commission or the Authority for appropriate directions.

**Protection
of action
taken in
good faith**

89. No suit or other legal proceedings shall lie against the State Government, the State Police Security Commission, its members and staff, the Police Accountability Commission, its members, staff or any person acting under the direction of the State Government or Board or the Commission, or members or staff of the District Accountability Authorities, in respect of anything which is in good faith done or intended to be done in pursuance of the provisions of this Chapter.

Chapter IX

General Offences, Penalties, and Responsibilities
Order in streets and public places

Regulation of
public assemblies
and processions

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

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

(3) The District Superintendent or any officer not below the rank of Assistant/Deputy Superintendent of Police, on receipt of such intimation or otherwise, and upon being satisfied that such an assembly or procession, if allowed without due control and regulation, is likely to cause a breach of peace, may prescribe necessary conditions including making provisions for satisfactory regulatory arrangements, on which alone such assembly or procession may take place. Under special circumstances to be recorded in writing, the concerned officer may also prohibit the assembly or procession in public interest.

Assemblies and
processions violating
prescribed conditions

91. (1) The District Superintendent of Police or any Police Officer not below the rank of Sub-Inspector, authorized in this behalf by the District Superintendent of Police, may stop any assembly or procession which violates the conditions set under sub-sections (1), (2) and (3) of Section 90 and order such assembly or procession to disperse.

(2) Any assembly or procession which neglects or refuses to obey any order given under sub-section (1) above shall be deemed to be an "unlawful assembly" under Chapter VIII of the Indian Penal Code, 1860.

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

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

- Directions to keep order on public roads** **93.** (1) The District Superintendent of Police or any other Police Officer authorized by him in this behalf, through a general or special order, may give reasonable directions to the public to keep order on public roads and streets, thoroughfares, or any public place, in order to prevent obstruction, injury, or annoyance to passers by or pollution.
- (2) The District Superintendent of Police may issue general directions under sub-section (1), in respect of the whole district or any part thereof, as per procedure laid down in Section 104.
- Penalty for disobeying orders or directions** **94.** Any person not obeying the lawful orders issued under section 90,91 and 93 may be arrested and on conviction by a Court Law, shall be liable to a fine which may be extended upto rupees two thousand.
- Power to reserve public places and erect barriers** **95.**(1) The District Superintendent of Police may, by public notice, temporarily reserve for any public purpose any street or other place, and prohibit the public from entering the area so reserved, except on such conditions as may be specified.
- (2)(a) The District Superintendent of Police may authorize any police officer to erect barriers and other necessary structures on public roads and streets, to check vehicles or occupants there of for violation of any legal provisions by them.
- (b) In making such order, the District Superintendent of Police shall prescribe the necessary steps for ensuring the safety of passers-by.
- (c) These temporary structures shall be removed once the purpose for which they were installed is over.
- Saving and control of the Magistrate of the District** **96.** Nothing in the preceding sections namely section 90,91,92,93 and 95 shall deem to interfere with the general control of the Magistrate of the District over the matters referred to therein.
- Refusal to deliver up certificate etc. on ceasing to be police officers** **97.** Whoever, having ceased to be a police officer, does not forthwith deliver up his/her certificate of appointment, clothing, accoutrements and other wherewithal supplied to him for the execution of his duty, shall on conviction by a competent Court of Law, be liable to a fine which may extend to two thousand rupees
- Dereliction of duty by a police officer** **98.** Whoever, being a police officer :-
- (a) willfully breaches or neglects to follow any legal provision, procedure, rules, regulations applicable to members of the Police Service; or
- (b) without lawful reason, fails to register a First Information Report as required by Section 154 of the Code of Criminal Procedure, 1973; or
- (c) is found in a state of intoxication, while on duty; or

- (d) malingers or feigns illness or injury or voluntarily causes hurt to himself with a view to evading duty; or
- (e) uses criminal force against another police officer, or indulges in gross insubordination; shall, on conviction, be punished with imprisonment for a term which may extend to three months or with a fine which may extend upto two thousand rupees or with both

Arrest, search,
seizure and
violence

99. Whoever, being a police officer, -

- (1) without lawful authority or reasonable cause enters or searches, or causes to be entered or searched, any building, vessel, tent or place; or
- (2) unlawfully and without reasonable cause seizes the property of any person; or
- (3) unlawfully and without reasonable cause detains, searches, or arrests a person; or
- (4) unlawfully and without reasonable cause delays the forwarding of any person arrested to a Magistrate or to any other authority to whom he is legally bound to forward such person; or
- (5) subjects any person in her/his custody or with whom he may come into contact in the course of duty, to torture or to any kind of inhuman or unlawful personal violence or gross misbehaviour; or
- (6) holds out any threat or promise not warranted by law; shall, on conviction, be punished with imprisonment for a term which may extend to six months or shall be liable to fine not exceeding two thousand rupees or with both.

Offences by
the public

100. (1) Any person who commits any of the following offences on any road, or street or thoroughfare, or any open place within the limits of any area to which this section has been specially extended by notification by the State Government or a Local Government, to the inconvenience, annoyance or danger of the residents or passers-by shall, on conviction by a Court, be liable to a fine which may extend upto two thousand rupees:-

- (a) allowing any cattle to stray, or keeping any cattle or conveyance of any kind standing longer than is required for loading or unloading or for taking up or setting down passengers, or leaving any conveyance in such a manner as to cause inconvenience or danger to the public;
- (b) being found intoxicated and riotous;

- (c) neglecting to fence in or duly protect any well, tank, hole or other dangerous place or structure under his charge or possession; or otherwise creating a hazardous situation in a public place;
- (d) defacing, or affixing notices, or writing graffiti on walls, buildings or other structures without the prior permission of the custodian of the property;
- (e) willfully entering or remaining without sufficient cause in or upon any building belonging to the Government or land or ground attached thereto, or on any vehicle belonging to Government;
- (f) knowingly spreading rumours or causing a false alarm to mislead the police, fire brigade or any other essential service or;
- (g) willfully damaging or sabotaging any public alarm system;
- (h) knowingly and willfully causing damage to an essential service, in order to cause general panic among the public;
- (i) acting in contravention of a notice publicly displayed by the competent authority in any Government building:

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

- (J) causing annoyance to a woman by making indecent overtures or calls or by stalking:

Provided that the police shall take cognizance of this offence only upon a complaint made by the victim.

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

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

Procedure for posting directions and public notices

- 101.** (1) All general directions, regulations, and public notices issued under this Chapter shall be published by posting notices in the office of the District Magistrate, Revenue Circle, Municipality, Police Station and Panchayat Office of the local area as well as in the locality affected, by affixing copies in conspicuous places near the building or place to which the notice specially relates, or by announcing it by the beating of drum or by advertising in local newspapers and other media, or by any other means as the Superintendent of Police may deem fit:

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

(2) If any direction or regulation made under this Section relates to any matter with respect to which there is a provision in any law, rule or bylaw of the Corporation or of any other Municipal or Local Authority in relation to public health, convenience or safety of the locality, such regulation shall be subject to such law, rule or bylaw.

Prosecution of police officers **102.** No Court shall take cognizance of any offence under this Act when the accused person is a police officer except on a report in writing of the facts constituting such offence by, or with the previous sanction of an officer authorized by the State Government in this behalf.

Prosecution for offences under other laws **103.** Subject to the provisions contained in section 300 of the Code of Criminal Procedure, 1973, nothing in this Act shall be construed as preventing any person from being prosecuted and punished under any other law for anything made punishable by this Act.

Summary disposal of certain cases **104. (1)** A Court taking cognizance of an offence punishable under sections 94 and 103 (1) may state, upon the summons to be served to the accused person, that he may, by a specified date prior to the hearing of the charge, plead guilty to the charge by registered letter, and remit to the Court such sum as the Court may specify.

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

Recovery of penalties and fines imposed by the Magistrate **105.** Provisions of sections 64 to 70 of the Indian Penal code, 1860 and sections 386 to 389 of the Code of Criminal Procedure, 1973 shall apply to penalties and fines imposed under this Act on conviction before a Magistrate:

Central Act
No. 45 of
1860, and
Act no. 2 of
1974

Provided that notwithstanding anything contained in section 65 of the Indian Penal Code, 1860, any person sentenced to fine under Sections 94 and 100 (1) of this Chapter may be imprisoned in default of payment of such fine, for any period not exceeding eight days.

Limitation of actions **106.** No Court shall take cognizance of any offence under this Chapter after the expiry of the period of limitation provided for in Section 468 of the Code of Criminal Procedure, 1973. For computing the limitation period, provisions of Chapter XXXVI of the Code of Criminal Procedure shall apply.

Chapter X

Miscellaneous

Powers of District Superintendent of Police to be exercised by the Commissioner of Police

107. All powers, functions and duties of the District Superintendent of Police described in this Act shall be exercised, in respect of areas notified under section 7 of Chapter II by the Commissioner of Police or any other officer authorized in this behalf.

Disposal of fees and rewards

108. All fees paid for licenses or written permission issued under this Act, and all sums paid for the service of processes by the police officers and all rewards, forfeitures and penalties or shares thereof which are by law payable to police officers as informers shall, save in so far as any such fees or sums belong under the provisions of any enactment in force to any local authority, be credited to the State Government.

Method of proving orders and notifications

109. Any order or notification published or issued by the State Government or by a Magistrate or officer under any provision of this Act, and the due publication or issue thereof may be proved by the production of a copy thereof in the Official Gazette, or of a copy thereof signed by such Magistrate, or officer, and by him certified to be a true copy of an original published or issued according to the provisions of this section of the Act applicable thereto.

Validity of rules and orders

110. No rule, regulation, order, direction, or notification made or published and no adjudication, inquiry or act done under any provision of this Act, or under any rules made there under, which is substantial conformity with the same, shall be deemed illegal, void or invalid by reason of any defect of form.

Officers holding charge of or succeeding to vacancies competent to exercise powers

111. Whenever in consequence of the office of a Commissioner, Magistrate or police officer becoming vacant, any officer holding charge of the post of such Commissioner, Magistrate, or police officer or succeeds, either temporarily or permanently, to his office, such officer shall be competent to exercise all the powers and perform all the duties respectively conferred and imposed by this Act on such Commissioner, Magistrate or police officer, as the case may be.

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

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

(2) Any licence or written permission granted under this Act may at any time be suspended or revoked by the competent authority, if any of its conditions or restrictions is infringed or evaded by the person to whom it has been granted, or if such person is convicted of any offence in any matter to which such licence or permission relates.

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

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

Explanation: For the purpose of this Section any such infringement or evasion by, or conviction of, a servant or other agent acting on behalf of the person to whom the licence or written permission has been granted shall be deemed to be infringement or evasion by, or as the case may be, conviction of the person to whom such licence or written permission has been granted.

Public notices how to be given

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

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

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

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

Power to make rules

115. (1) The State Government may make rules for carrying out the purposes of this Act:

Provided that the Assam Police Manual for the time being in force in the State of Assam shall be treated as rules under this Act unless any provision thereof is found inconsistent with this Act, till replaced, modified or amended as the case may be, by another rules to be made under the provisions of this Act.

(2) All rules made by the State Government under this Act shall, as soon as may be after they are made, be laid before the Assam Legislative Assembly, while it is in session, for a total period of not less than fourteen days which may be comprised in one session or in two or more successive sessions, and shall, unless some later date is appointed, take effect from the date of their publication in the Official Gazette subject to such modifications or annulments as the Assam Legislative Assembly may, during the said period agree to make, so however, that any such modifications or annulments shall be without prejudice to the validity of anything previously done there under.

Power to
remove difficulties

116. If any difficulty arises in giving effect to the provisions of this Act the State Government may, by notification in the Official Gazette, make such provisions as it deems necessary or expedient for removing the difficulty.

Repeal and Saving

117. (1) The Police Act, 1861 (Act V of 1861), in its application to the State of Assam, is hereby repealed .

(2) Notwithstanding such repeal, anything done or purported to be done or any action taken or instituted under the Act so repealed and the rules made there under shall, be deemed to have been validly done or taken under the corresponding provisions of this Act.

(3) All references in any enactments to any of the provisions of the Act so repealed shall be construed reference to the provisions of this Act.

MOHD. A. HAQUE,
Secretary to the Government of Assam,
Legislative Department.