

Police Tripura Act No.6 of 2007

THE TRIPURA POLICE ACT, 2007

CONTENTS

Chapter	Title	Section	Page
I	Preliminary		
	• Short title and commencement	1	2
	• Definition	2	2
II	Constitution and organization of the State Police Service		
	• One Police	3	5
	• Administration of Police	4	5
	• Appointment of DGP,ADGP,IGP,DIGP and AIGP	5	6
	• Selection and term of office of DGP	6	6
	• Creation of Police Zones & Ranges	7	7
	• Police Districts	8	7
	• District level Special Cells, Sub-Divisions and Circles	9	7
	• Police Stations	10	8
	• Term of office of key police functionaries	11	8
	• Coordination within the District Administration	12	9
	• State intelligence and Criminal Investigation Departments	13	9
	• Technical and Support Services	14	10
	• Organization of research	15	10
	• Oath or affirmation by police personnel	16	10
	• Certificate of appointment	17	10
	• Special Police Officers	18	11
	• Additional Police force deployed at the cost of applicant	19	11
III	Superintendence and Administration of Police		
	• State Police Board	20	13
	• Composition of the Board	21	13
	• Grounds of ineligibility for Independent Members	22	13
	• Term of office of Independent Members	23	14
	• Removal of Independent Members	24	14
	• Functions of the State Police Board	25	14
	• Expenses of the State Police Board	26	15
	• Police Establishment Committees	27	15
IV	Role, Functions, Duties and Responsibilities of the Police		
	• Role, functions and duties of the police	28	16
	• Social responsibilities of the Police	29	17
	• Duties in emergency situations	30	18
	• Senior police officer performing duties of a subordinate officer	31	18
V	Policing in Rural Areas and Village Police System		
	• Police station covering rural areas	32	19
	• Village visits by Supervisory Officers/Officer in-charge	33	19
	• Village visits by Supervisory Officers	34	19
	• Enlistment of Village Guards	35	19
	• Tenure of Village guards	36	20
	• Removal of village Guards	37	20
	• Village Guards to be public servants	38	20
	• Training of Village Guards	39	20

Chapter	Title	Section	Page
	• Oath or affirmation by village Guards	40	20
	• Badge, honorarium and expenses	41	20
	• Badge and records to deliver up on cessation of to be village guard	42	21
	• Duties and responsibilities of village guards	43	21
VI	Policing in the context of public Order and internal Security Challenges		
	• Internal Security Scheme	44	23
	• Review of internal Security Scheme	45	23
	• Internal Security Scheme to specifically cover backward and inaccessible areas	46	23
	• Security of critical infrastructure to be covered by the scheme	47	23
	• Scheme to cover specific security requirement arising out of any activity or programme	48	23
	• Updated standard operating procedure to be incorporated in the scheme	49	24
VII	Separation of crime Investigation and use of Science and Technology in Investigation		
	• Separate crime investigation unit	50	25
	• Selection of officers for crime investigation units	51	25
	• Tenure of officers in crime investigation units	52	25
	• Specific offences to be investigated by the unit	53	25
	• Supervision of investigation	54	26
	• Criminal investigation department	55	26
	• Specialized units for specific crimes	56	26
	• Selection of officers for the Criminal Investigation Department	57	26
VIII	Police Accountability		
	• Additional mechanism for police accountability	58	27
	• Police Accountability Commission	59	27
	• Composition of the commission	60	27
	• Ineligibility for membership	61	28
	• Term of office and conditions of service of members and chairperson	62	28
	• Removal of Chairman and members	63	29
	• Staff of the Commission	64	29
	• Conduct of business	65	29
	• Function of the Commission	66	29
	• Powers of the Commission	67	31
	• Statement made to the Commission	68	32
	• Persons likely to be prejudicially affected to be heard	69	32
	• Decisions and directions of the commission	70	32
	• Reports of the Commission	71	33
	• Right of the complainant	72	34
	• Duty of the police and other state agencies	73	34
	• Interference with the functioning of the commission or the Authority	74	35
	• Training	75	35
	• Protection of action taken in good faith	76	35

Chapter	Title	Section	Page
	• Funding	77	35
IX	General Offences, Panalties and Responsibilities		
	• Regulation of public assemblies and processions	78	36
	• Assemblies and processions violating prescribed conditions	79	36
	• Regulation of the use of music and other sound system in public places	80	37
	• Directions to keep order on public roads	81	37
	• Penalty for disobeying orders or directions	82	37
	• Power to reserve public places and erect barriers	83	37
	• Obstruction in police work	84	38
	• Unauthorized use of police uniform	85	38
	• Refusal to deliver up certificate, etc. on ceasing to be police officers	86	38
	• False or misleading statement made to the public	87	38
	• Dereliction of duty by a police officer	88	38
	• Arrest, search, seizure and violence	89	39
	• Offences by the public	90	40
	• Procedure for posting directions and public notices	91	41
	• Prosecution of police officers	92	41
	• Prosecution for offences under other laws	93	41
	• Summary disposal of certain cases	94	42
	• Recovery of penalties and fines imposed by Magistrates	95	42
	• Limitation of actions	96	42
X	Miscellaneous		
	• Disposal of fees and rewards	97	43
	• Method of proving orders and notifications	98	43
	• Validity of rules and orders	99	43
	• Officers holding charge of or succeeding to vacancies competent to exercise powers	100	43
	• Public notices how to be given	101	44
	• Consent of a competent authority may be proved by writing under his signature	102	44
	• Power to make rules	103	44
	• Power to remove difficulties	104	44
	• Notification of rules and regulations in the official gazette and lying of rules and regulations	105	45
	• Persons aggrieved may apply to state government to annual, reverse or alter any rule or order	106	45
	• Repeal and saving	107	45

Published in the
EXTRAORDINARY ISSUE OF TRIPURA GAZETTE

Agartala, Monday, April 9, 2007 A.D. Chaitra 19, 1929 S.E

Government of Tripura
Law Department

No.F8 (5)-Law/Leg/2007.

Dated, Agartala, the 9th April, 2007

The following Act of the Tripura Legislative Assembly received the assent of the Governor on 07-04-2007 and is hereby published for general information.

P.B Nath
Additional Secretary, Law,
Government of Tripura.

THE TRIPURA POLICE ACT, 2007
AN
ACT

- (i) to redefine the role, duties and responsibilities of the police service in the context of the emerging challenges of policing and security of the State, the imperatives of good governance, and respect for human rights,
- (ii) to make the police personnel professionally organized, service oriented, free from extraneous influences and accountable to law, and
- (iii) to empower the police to enable it to function as an impartial, efficient, effective, people friendly and responsive agency in order to enable it carry out the constitutional objectives of protection of civil, political, social and economic rights of the citizens as provided therein.

Be it enacted by the Tripura Legislative Assembly in the Fifty-eight year of the Republic of India as follows:

CHAPTER-I

Preliminary

1 Short title extent and commencement :

- (1) This Act may be called the Tripura Police Act 2007.
- (2) It extends to the whole of the State of Tripura.
- (3) It shall come in force at once.

2. Definitions:

1. In this Act, unless the context otherwise requires:-

- (a) 'Act' means the Tripura Police Act 2007.
- (b) Headquarters Company means a unit performing administrative and other support functions of a State Armed Police Battalion;
- (c) 'Insurgency' includes waging of armed struggle by a group or a section of population against the State with a political objective including the separation of a part from the territory of India;

- (d) 'Internal Security' means preservation of sovereignty and integrity of the State from disruptive and anti-national forces from within the State;
- (e) 'Militant activities' include any violent activity of a group using explosives, inflammable substances, firearms or other lethal weapons or hazardous substance in order to achieve its political objectives;
- (f) 'Organised crime' includes any crime committed by a group or a network of persons in pursuance of its common intention of unlawful gain by using violent means or threat of violence;
- (g) 'Place of public amusement and public entertainment' include such places as may be noticed by the State Government;
- (h) 'Police District' means the territorial area notified under Section 9 of this Act;
- (i) 'Police Officer' means a member of Tripura Police Service constituted under this Act;
- (j) 'Prescribed' means prescribed by Rules and Regulations made under this Act;
- (k) 'Public place' means any place to which the public have access and includes;
 - (i) a public building and monument and precincts thereof ; and
 - (ii) any place accessible to the public for drawing water, washing or bathing or for purpose of recreation;
- (l) 'Regulations' mean regulations made under this Act;
- (m) 'Rules' mean rules made under this Act ;
- (n) 'Service Companies' mean units of State Armed police Battalions and District Armed Reserve which are deployed for law and order and other duties in support of civil police;
- (o) 'Service' means the police Service constituted under this Act;
- (p) 'Subordinate Rank' means all ranks below the rank of Assistant or Deputy Superintendent of Police'

(q) 'Terrorist activity' includes any activity of a person or a group of person using explosives or inflammable substances or firearms or other lethal weapons or noxious gases or other chemicals or any other substances of a hazardous nature with the aim to strike terror in the society or any section thereof, and with an intent to overawe the Government established by law;

(r) 'Village' means Gram Panchayat and Tripura Tribal Areas Autonomous District Council Village Committee area as defined in the respective Acts;

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

CHAPTER –II

Constitution and organization of the State Police Service

3. (1) **One Police Service:**
There shall be one Police Service in the State which shall be formally enrolled for the purpose of this Act. It shall comprise the entire police establishment of the State consisting of such number of officers and other police personnel including members of the Indian Police Service, State Police Service and others while serving, for the time being, in the State Police establishment, as the State Government may, by order, determine from time to time.
- (2) The entire police establishment of the State existing at the commencement of this Act, shall, until such time as the State Government may determine otherwise under sub Section (1), be deemed to be the Police Service enrolled for the purpose of this Act.
- (3) Every member of the Police Service shall, if required, be liable to serve in any branch of the Service in the State.
- (4) The State Police Service shall, as far as possible, reflect adequate representation of all sections of the society including gender representation.
- (5) Every member of the Service shall at all times remain accountable to the law and responsible for protection of the rights of the people and shall observe codes of ethical conduct and integrity as may be prescribed.

4. **Administration of Police**

- (1) Subject to the provisions of this Act and general superintendence of the State Government -
- (i) the administration of police throughout the State shall vest in the Director General of Police and in such Addl. Director General, Inspector General, Deputy Inspector General and Assistant Inspector General, as the State Govt. shall deem fit;
- (ii) the administration of the police throughout a district shall, under the general control and direction of the Detector General, vest in a district Superintendent of police and such other police officer as the state Govt. may consider necessary;
- (iii) administration will mean the management of the police Service, subject to law, rules and regulations.

5. **Appointment of Director General, Addl. Director General ,Inspector General, Deputy and Assistant Inspector General;**

- (1) The State Government shall appoint a Director General of Police who shall, without prejudice to his powers in Section 4, exercise such powers, perform such functions and duties as may be prescribed.
- (2) The State Government may appoint one or more Additional Director General and as many Inspector General, Deputy Inspector General and Assistant Inspector Generals as necessary.
- (3) The State Government may, by a general or special order and in consultation with the Director General of Police, direct in what manner and to what extent an Addl. Director General, or an Inspector General or a Deputy or Assistant Inspector General of Police shall assist and aid the Director General of police in the performance, exercise and discharge of his functions, powers duties and responsibilities.

6. **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. Provided that the State Government in exceptional case, if considered necessary, may appoint to the post, a police officer, on deputation, from outside the State Police Service, subject to his fulfillment of the criteria laid down in sub-section(2).
- (2) Selection of the Director General of police shall be done by the State Government considering, inter alia, the following criteria:
 - (a) length of service, fitness of health and standards as prescribed by the State Government;
 - (b) assessment of the performance appraisal reports of the previous fifteen years of service;
 - (c) weightage to award of medals for gallantry, distinguished and meritorious service.
- (3) The Director General of Police unless superannuating earlier shall normally have a tenure of two years;

Provided that the State Government may remove the Director General from the post before the expiry of his tenure by a reasoned order in writing consequent upon;

- (a) conviction by a court of law for a criminal offence or where charges have been framed by a court in a case involving corruption or moral turpitude; or

- (b) punishment or dismissal, removal or compulsory retirement from service or reduction to a lower post; or
- (c) suspension from service; 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 or posting to a higher post under either the State or the Central Government to which the officer gives consent;
- (f) inefficiency or negligence prima-facie established after a preliminary enquiry.

7. Creation of Police Zones and Ranges:

- (1) The state Government may by notification divide the entire geographical area of the state into one or more police Zones. Each Zone shall be headed by an officer of the rank of Inspector General who shall supervise the police administration of the zone and report directly to the Director General of police.
- (2) The State government may by notification create as many Police Range as deemed necessary. Each Range, shall be headed by an officer of the rank of Deputy Inspector General who shall supervise the police administration of the Range and report directly to the Inspector General in charge of the Zone in the Jurisdiction of which the Range falls.

8. Police District:

The State Government may, by notification, declare any area within the State to be a Police District. The administration of the police through such district shall vest in the Superintendent of police who may be assisted by as many Additional, Assistant or Deputy Superintendents, as deemed necessary.

9. District level special Cells, Sub-Divisions and Circles:

- (1) For all 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 Assistant / Deputy Superintendent of Police

- (2) 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.

10. Police Stations:

- (1) The State Government may, by notification, create as many Police Stations with as many outposts as necessary, in a Police District as deemed necessary, duly keeping in view the population; the area, the crime situation, the work load in terms of law and order and the distance to be traversed by the inhabitants to reach the Police Station.
- (2) A police station shall be headed by a Station House Officer who may also be known as officer-in-charge not below the rank of Sub-Inspector of Police.
- (3) Each Police Station shall prominently display all the relevant information required to be made public, as may be required.

11. Term of office of key police functionaries:

An officer posted as a Station House Officer in a Police Station or Officer-in-charge of a Sub-Division or as a Superintendent of Police of a District shall normally have a term of two years and a maximum of three years in the post:

Provided that the minimum tenure of two years may sooner end consequent upon:

- (1) promotion to a higher post; or
- (2) conviction, or charges having been framed, by a court of law in a criminal offence; or
- (3) punishment of dismissal, removal, discharge or compulsory retirement from service or of reduction to a lower rank awarded under the relevant Discipline & Appeal Rules; or
- (4) suspension from service in accordance with the provisions of the said Rules ; or
- (5) incapacitation by physical or mental illness or otherwise becoming unable to discharge his functions and duties; or
- (6) retirement (including voluntary retirement) or resignation; or
- (7) inefficiency or negligence prime facie established after a preliminary enquiry;

12. Coordination within the District Administration:

- (1) For the purpose of efficiency in the general administration of a district, it shall be lawful for the District Magistrate of that district, in addition to the provisions of the Code of Criminal Procedure, 1973 and other relevant laws, to coordinate the functioning of the police with other agencies of the district administration in respect of matters relating to the following:
 - (a) promotion of land reforms and settlement of land disputes;
 - (b) extensive disturbance of the public peace and tranquility in the district;
 - (c) conduct of elections to any public body;
 - (d) handling of natural calamities and rehabilitation of the persons affected thereby;
 - (e) situations arising out of any external aggression or internal disturbances;
 - (f) any similar matter, not within the purview of any one department and affecting the general welfare of the public of the district; and
 - (g) removal of any persistent public grievance;
- (2) The District Magistrate may call for a report regarding the steps taken by the Police or other agency to deal with the situation and give such directions in respect of the matter as are considered necessary by him (District Magistrate) to the Police and the concerned agency.

13. State Intelligence and Criminal Investigation Departments:

- (1) The State police organisation shall have a State Intelligence Department for collection, collation, analysis and dissemination of intelligence, and a Criminal Investigation Department for investigating inter-state, inter-district crimes and other specified offences, in accordance with the provisions of Chapter VII of this Act.
- (2) The State Government shall appoint a police officer of or above the rank of Deputy Inspector General of Police to head each of or both the aforesaid department.
- (4) The Criminal Investigation Department may, have specialized wings to deal with different types of crime requiring focused attention or special expertise for investigation. Each or more than one of these wings shall be headed by an officer not below the rank of a Superintendent of Police.

- (5) The State Intelligence Department may have specialized wings, to deal with and coordinate specialized tasks such as measures for counter terrorism, counter militancy and VIP Security.
- (6) The State Government may make available required number of officers from different ranks to serve in the Criminal Investigation Department, and the State Intelligence Department, as deemed appropriate with due regard to the volume and variety of tasks to be handled.

14. Technical and Support Services:

- (1) The State Government shall create and maintain such ancillary technical agencies and services, under the overall control of the Director General of Police, as considered necessary or expedient for promoting efficiency of the Police Service.
- (2) The State Government shall take measures to encourage and promote the use of science and technology in all aspects of policing.

15. Organisation of research:

The State Government may set up such bodies and take up such other steps as considered necessary or expedient for the purpose of undertaking research into matters relating to the efficiency of the police service.

16. Oath or affirmation by police personnel:

Every member of the police service enrolled under this Act shall, on appointment and completion of training, make and subscribe before the respective Superintendent of Police or such officer appointed in that behalf by the Director General of Police an oath or affirmation, in such form or may be prescribed.

17. Certificate of appointment:

- (1) Every police officer of or below the rank of Inspector shall on appointment receive a certificate in the form annexed to the Act. The certificate shall be issued under the seal of the Director General or such officer as the Director General shall appoint, by virtue of which the person holding such certificate shall be vested with the powers, functions and privileges of a Police Officer.

- (2) Such certificate shall cease to have effect whenever the person named in it cease for any reason, to be a police officer, and on his ceasing to be such an officer, shall be forthwith surrendered by him to any officer empowered to receive the same.
- (3) A Police Officer shall not, by reason of being suspended from office, cease to be a police officer. During the term of such suspension the powers, functions and privileges vested on him as a police officer shall be in abeyance, but he shall continue to be subject to the same responsibilities ,discipline and penalties and to the same authorities as if he had not been suspended.

18. Special Police Officers:

- (1) When the police force ordinarily employed in any area is not sufficient to deal with a situation threatening peace and security the Superintendent of Police or any officer, specially empowered in this behalf by State Government, in charge of that area may, at any time by a written order issued under the hand and seal of such officer, appoint, for a period as specified in the appointment order, any able-bodied and willing person between the age of 18 and 40 years, whom he considers fit to be a Special Police Officer to assist the Police Service.
- (2) Every Special Officer so appointed shall-
 - (h) on appointment, undergo prescribed training and thereafter receive a certificate in a form approved by the State Government in this behalf; and
 - (i) shall have the same powers, privileges and protection and be liable to perform same duties and amenable to the same penalties and be subordinates to the same authorities, as an ordinary police officer.

19. Additional Police force deployed at the cost of applicant:

- (1) Additional police comprising officers of such ranks or grades may be appointed or deputed for the purpose prescribed by the State Government for such time and on such pay as the authority prescribed in that behalf may determine.
- (2) Every Additional Police Officer upon such appointment, shall:
 - (a) receive a certificate in a form approved by the State Government in this behalf;
 - (b) be vested with all or such of the powers,privileges,duties and immunities of a police officer as are specially mentioned in the certificate ; and
 - (c) be subject to the orders of the Superintendent of Police.

(3) the deployment or deputation of such Additional Police Officer may be made at the request of any person requiring such police, and the cost of such deployment shall be recovered in such manner as is prescribed under this Act or any other law for the time being in force.

CHAPTER –III

Superintendence and Administration of Police

20. State Police Board:

The State Government shall, within six months of the coming into force of this Act, constitute a State Police Board to perform the functions assigned to it under the provisions of this Chapter.

21. Composition of the Board:

- (1) The State Police Board shall have as its members:
 - (a) the Home Minister as its Chairperson;
 - (b) a retired High Court Judge ;
 - (c) the Chief Secretary;
 - (d) the Secretary in charge of the Home Department;
 - (e) the Director General of Police as its Member-Secretary; and
 - (f) two independent members who shall be non-political persons of proven reputation and integrity to be appointed by the State Government.
- (2) No serving government employee shall be appointed as an independent Member.
- (3) Any vacancy in the State Police Board shall be filled up as soon as practicable, but not later than three months after the seat has fallen vacant.

22. Grounds of ineligibility for Independent Members:

No person shall be appointed as an Independent Member of the State Police Board if he-

- (1) is no a citizen of India ; or
- (2) has been convicted by a court of law or against whom charges of criminal offence have been framed in a court of law ; or
- (3) has been dismissed or removed from service or compulsorily retired on the grounds of corruption or misconduct ; or
- (4) holds an elected office, including that of Member of parliament or State Legislature or a local body, or is an office-bearer of any

political party or any organization directly connected with a political party ; or

(5) is of unsound mind.

23. Term of office of Independent Members:

A person shall be appointed as an Independent Member for a period of three year.

Provided that a person shall not be eligible to be appointed as an independent member for more than two terms.

24. Removal of Independent Members:

An Independent Member may be removed from the State Police Board by majority of members of the Board by resolution in writing on any of the following grounds:

- (1) proven incompetence ;or
- (2) proven misbehavior ; or
- (3) failure to attend three consecutive meetings of the State Police Board without sufficient cause ; or
- (4) incapacitation by reasons of physical or mental infirmity or otherwise becoming unable to discharge his functions as a member; or
- (5) attaining ineligibility specified under sections 22.

25. Functions of the State Police Board:

- (1) The State Police Board shall perform the following functions:
 - (a) frame broad policy guidelines for promoting efficient, effective, responsive and accountable policing ;
 - (b) identity performance indicators to evaluate the functioning of the police force. These indicators shall, inter alia, include : operational efficiency, public satisfaction, victim satisfaction vis-à-vis police investigation and response, accountability, optimum utilisation of resource, and observance of human rights standards; and

- (c) review and evaluate organizational performance of the Police service in the State as a whole as well in the districts against (i) the Annual Plan (ii) performance indicators as identified and laid down, and (iii) resources available with and constraints of the Police.
- (d) examine complaints received from members of the Police Establishment Committee about being subjected to illegal orders and make appropriate recommendations.

26 Expenses of the State Police Board:

- (1) Non-official members would be entitled to such remuneration or allowances as may be notified by the State Government from time to time.
- (2) The expenses on account of remuneration, allowances and travel of independent members in connection with official business of the State Police Board, shall be borne by the State Government.

27. Police Establishment Committee:

- (1) The State Government shall constitute a Police Establishment Committee (hereinafter referred to as the 'Establishment Committee') with the Director General of Police as its Chairperson and four other senior-most officers within the police organization of the State as members.
- (2) The Establishment Committee shall examine complaints from police officers about being subjected to illegal orders and make appropriate recommendation to the competent authority for necessary action.

Provided that if the matter under report involves any officer of or above the ranks of the members of the Establishment Committee, it shall forward such report to the State Police Board for further action.

- (3) The Establishment Committee shall recommend names of suitable officers to the State Government for posting to all the positions in the ranks of Assistant/Deputy Superintendents and above in the police organization of the State, excluding the Director General of Police, and the State Government may take such action as deemed appropriate in respect of such recommendations.

Provided that the State Government may suo-moto make such transfers and postings as deemed appropriate to meet any contingency.

CHAPTER-IV

Role, Functions, Duties and Responsibilities of the Police

28. Role, functions and duties of the police:

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 member of the public;
- (b) to promote and preserve public order;
- (c) to protect internal security, to prevent and control terrorist activities, breaches 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 implanting 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, as far as possible, to 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 facilitate orderly movement of people and vehicles, and to control and regulate traffic on roads and highways;
- (k) 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;
- (l) 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.

29. Social responsibilities of the police:

Every police officer shall,

- (a) behave with the members 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, irrespective of medico legal formalities, and facilitate their compensation and other legal claims;
- (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) proven harassment of women and children in public places and public transport, including stalking, making objectionable gestures, sings, 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 person provision of legal aid schemes available and also inform the authorities concerned in this regard.

30. Duties in emergency situations:

- (1) The State Government may, by notification in the official gazette, declare any specified service to be an essential service to the community, for specified period, which may be extended from time to time, by a notification, as necessary.
- (2) Upon a declaration being made under Sub-section (1) and so long it remains in force, it shall be the duty of every police officer to obey any order given by any officer superior to him in connection with the service specified in the declaration.

31. Senior police officer performing duties of a subordinate officer:

A Senior police officer may perform any duty assigned by law or by a lawful order to any officer subordinate to him, and may aid, supplement, supersede or prevent any action of the subordinate by his own action or that of any person lawfully acting under his command or authority, wherever the same shall appear necessary or expedient for giving more complete or convenient effect to the law or for avoiding any infringement thereof.

CHAPTER –V

Policing In Rural Areas and Village Police System

Police Station covering rural areas:

32. Police Stations to be self-sufficient

Police Stations covering rural areas shall be so organized as to be self-sufficient in matters of accommodation, amenities, communication facilities, transport and police housing. Each Police Station will also have access to facilities of forensic science and scientific aids to investigation.

33. Village visits by Station House Officer/Officer-in-Charge

The Station House Officer shall visit every village under his jurisdiction, as per the minimum frequency prescribed by the Superintendent of Police through a general or special order, and shall interact with as many local residents as possible so as to assess the level of public satisfaction with the police.

34. Village visits by Supervisory Officers

All supervisory officers including the Superintendent of Police shall visit every month as many villages in their jurisdiction as possible. The purpose of such visits shall be to review the general state of crime, the law and order situation and the activities, if any, of violent and militant individuals or groups in the area and to interact with as many local residents as possible so as to assess the level of public satisfaction with the police.

Village Police System

Enlistment of village Guard and Selection Criteria:

35. Enlistment of Village Guards :

Each village in the district shall have at least one Village Guard, enlisted by the District Superintendent of Police from amongst able –bodied persons of either gender, between the age of 21 and 50 years and with unimpeachable character and antecedents, who are permanent residents of that village, possessing the ability to read and write in the local language, who have not been convicted by a court of law or have not had charges framed against them by a court of law in a criminal case or dismissed, removed, discharged or compulsorily retired from any employment on grounds of corruption, moral turpitude or misconduct, and who are not active members of any political party or a militant outfit.

36. Tenure of Village Guards:

A person enlisted as a Village Guard will normally have a tenure of three years, which may be renewed, upon satisfactory performance. No renewal shall, however, be granted to a person after he crosses the age of sixty years.

37. Removal of Village Guards :

A Village Guard shall be removed from the assignment at any time during the currency of his enlistment, if he incurs any conditions of ineligibility stipulated in Section 35.

38. Village Guards to be public servants:

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

39. Training of Village Guards :

The superintendent of Police shall ensure that every person, on his induction as a Village Guard, is administered such training course and for such period as may be determined by the Director General of Police. Periodical refresher training may also be organized for them.

40. Oath or affirmation by Village Guards:

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

41. Badge, honorarium and expenses:

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

42. Badge, and records to deliver up on cessation of to be Village Guard :

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

43. Duties & Responsibilities of Village Guards :

The duties and responsibilities of a Village Guard shall include:

- (a) reporting the occurrence of any crime or law and order situation in the village, at the earliest, to the police and assisting the police in bringing the offenders to book;
- (b) maintaining a general vigil in the village from the point of view of crime prevention or prevention of a law and order problem, and promptly informing the police about the same ;
- (c) remaining alert and sensitive to any information about any suspicious activity, movement of suspicious persons or development of any conspiracy in the village, that is likely to lead to a crime or breach of law and order, and promptly passing on such information to the police;
- (d) assisting any citizen in arresting or handing over to the Police Station any person or persons under Section 43 of the Code of Criminal Procedure, 1973 along with the arms, ammunition, property or any objectionable or suspicious object, if any, seized from him, without delay. In case the arrested person is a women, a male Village Guard shall be accompanied by a women;
- (e) securing and preserving the scene of any crime till the arrival of the police, duly ensuring that it is not disturbed by curious onlookers or anyone else;
- (f) meeting the Station House Officer of the police Station at a minimum frequency as may be prescribed by the Superintendent of Police through

a general or special order, to report on such activities and incidents in the village as would have a bearing on crime law and order or other policing concerns;

(g) maintain the prescribed records and registers;

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

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

CHAPTER – VI

Policing in the Context of Public Order and Internal Security Challenges

44. Internal Security Schemes :

The Director General 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 to deal with problems of Public Order and Security of State, as specific to the area.

45. Review of Internal Security Scheme :

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

46. Internal Security Scheme to specifically cover backward and inaccessible areas :

- (1) The Internal Security Schemes will, as far as possible, cover all major problems the area. In preparing the Schemes, the Director General of Police shall give special attention to likely disturbance of public order arising out of non-implementation of developmental programmes in the backward and not so easily accessible areas.
- (2) The schemes will provide that officers deploying the police to deal with situations of conflict between communities, classes, castes and political groups shall ensure that its composition, as far as possible, reflects social diversity the area including adequate representation of weaker sections and minorities.

47. Security of critical infrastructure to be covered by the scheme :

The Internal Security Schemes 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.

48. Scheme to cover specific security requirement arising out of any activity or programme :

(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 59, the police shall take into consideration the contingencies of specific law and order problems, and security requirements that may arise in such situations.

49. Updated standard operating procedure to be incorporated in the scheme :

The Internal Security Schemes will 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 – VII

Separation of Crime Investigation and Use of Science and Technology in Investigation

50. Separate crime Investigation Unit:

The State Government shall in the Police Stations of such crime-prone areas as may be considered necessary, by order separate the investigation of crimes from law and order and other police functions by creating a Crime Investigation Unit, headed by an officer not below the rank of a Sub-Inspector of police, with appropriate strength of officers and staff, for the investigating crimes.

51. Selection of officers for crime investigation units :

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

52. Tenure of officers In crime investigation units :

Officers posted to Crime investigation Units will normally have a minimum tenure of three years and a maximum of five years, after which they will be rotated to law and order and other assignments.

53. Specific offences to be investigated by the unit :

- (1) The officers posted to the Crime Investigating units will investigate crimes such as murder, kidnapping, rape, dacoity, robbery, dowry-related offences, serious cases of cheating, misappropriation and other economic offences, as may be notified, by the Director General of Police, besides any other cases specially entrusted to the unit by the District Superintendent of Police .

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

54. Supervision of Investigation:

The investigations of cases taken up by the Crime Investigation Unit personnel, over and above the supervision of the Station House Officer concerned, will be supervised at the district level by an officer not below the rank of Deputy Superintendent of Police, who will report directly to the District Superintendent of Police.

55. Criminal Investigation Department:

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 may be notified by the State Government from time to time , and as may be specially entrusted to it by the Director General of police in accordance with the prescribed procedures and norms.

56. Specialized units for specific crimes:

The Criminal Investigation Department will 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.

57. Selection of officers for the Criminal Investigation Department:

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

CHAPTER – VIII

Police Accountability

58. Additional mechanism for police accountability :

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

Accountability for conduct

59. Police Accountability Commission :

The State Government shall, within six months of the coming into effect of this Act, establish a State-Level Police Accountability Commission (“the Police Commission”), consisting of a Chairperson, Members and such other staff as may be necessary, to inquire into public complaints against the police personnel for serious misconduct and perform such other functions as stipulated in this Chapter.

60. Composition of the Commission :

The Commission shall have five members to be appointed by the State Government 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 police officer superannuated in the rank not below inspector General of Police;

- (c) two persons of repute and standing from the civil society;
- (d) a retired officer not below the rank of Secretary/Commissioner to the State Government with experience in Public Administration.

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

61. Ineligibility for membership :

A person shall be ineligible to be a member of the Commission, if he

- (a) is not a citizen of India ;
- (b) is above 70 years of age;
- (c) is serving in any police, military or allied organization;
- (d) is employed as a public servant;
- (e) holds any elected office, including that of Member of Parliament or State Legislature or any local body;
- (f) is a member of, or is associated in any manner with, an organization declared as unlawful under an existing law;
- (g) is an office-bearer or a member or any political party ;
- (h) has been convicted for any criminal offence involving moral turpitude or for an offence punishable with imprisonment of one year or more;
- (i) is facing prosecution for any offence mentioned in Sub-Section (h) above and against whom charges have framed by a court of law ; or
- (j) is of unsound mind and has been so declared by a competent court.

62. Term of office and conditions of service of members and Chairperson :

- (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 63.

(2) The Chairperson and the Members shall be eligible for reappointment.

(3) The remuneration, allowances and other terms and conditions of service of the members shall be as may be notified by the State Government from time to time.

63. Removal of Chairperson and members :

The Chairperson or any member of the Commission may be removed from office by an order of the Governor on the grounds of:

(a) proven misconduct or misbehaviour ;

(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 101 ; or

(d) any member engaging himself during his term of office in any paid employment outside the duties of his office.

64. Staff of the Commission :

(1) Members of the Commission shall be assisted by adequate staff with requisite skills, 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 in accordance with the procedure as prescribed by the Government.

(4) The remuneration and other terms and conditions of service of the staff shall be as notified from time to time.

65. Conduct of business :

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

66. Function of the Commission :

- (1) The Commission shall forward for further action the complaints of misconduct received directly by it to the Director General of Police.
- (2) The Commission shall inquire 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 Indian Penal Code , 1860
 - (c) rape or attempt to commit rape ;
 - (d) arrest or detention without due process of law ; or
 - (e) violation of human rights ;
 - (f) allegation of corruption.
- (3) The Commission may also inquire into any other case referred to it by the Director General of Police if, in the opinion of the Commission, the nature of the case merits an Independent Inquiry ;
 - (4) The Commission may monitor the status of departmental inquiries or departmental action on the complaints “misconduct” against gazetted officers through a quarterly report obtained periodically from the Director General of Police, 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;

- (5) 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 when a complaint, being dissatisfied by the out come 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
- (6) The Commission may lay down general guidelines for the state police to prevent misconduct on the part of police personnel.

67. Powers of the Commission :

- (1) 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 affidavits ;
 - (d) requisitioning any public record or copy thereof from any court or office ;
 - (e) issuing authorities for the examination of witnesses or documents ; and
 - (f) any other matter as may be prescribed.
- (1) The Commission shall have the power to require any person, subject to legal privilege, to furnish information on such points or matters as, in the opinion of the Commission, may be useful for, or relevant to, the subject matter of the inquiry, and any person so required shall be deemed to be legally bound to furnish such information within the meaning of sections 176 and 177 of the Indian Penal Code, 1860.
- (2) The Commission shall be deemed to be a civil court, and when any offence, as defined in Sections 175, 178, 179, 180 or 228 of the Indian Penal Code, 1860, is committed in the view of presence of the Commission, the Commission may, after recording the facts constituting the offence and the statement of the accused as provided for in the Code Criminal Procedure, 1973, forward the case to a Magistrate having jurisdiction to try the same. The Magistrate to whom any such case is forwarded shall proceed to hear the complaint against the accused as if the case has been forwarded shall proceed to hear the complaint against the accused as if the case has been forwarded to him under Section 346 of the Code Criminal Procedure, 1973.

- (3) Every proceeding before the Commission shall be deemed to be a judicial proceeding within the meaning of Sections 193 and 228, and for the purpose of Section 196 of the Indian Penal Code, 1860 , the Commission shall be deemed to be civil court for all the purpose of Section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973.
- (4) The Commission shall have the power to advise the State Government on measures to ensure protection of witnesses, victims, and their families who might face any threat or harassment for making the complaint or for furnishing evidence.
- (5) The Commission may visit any police station, lock-up, or any other place of detention used by the police and, if it thinks fit, it may be accompanied by a police officer.

68. Statements made to the Commission :

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 if 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 complaint.

69. Persons likely to be prejudicially affected to be heard :

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.

70. Decisions and Directions of the Commission :

(1) In the cases directly inquired by the Commission, it may, upon completion of the inquiry, communicate its findings to the Director General of Police 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

Provided that the Commission, before finalizing it's own opinion in all such cases shall give the Director General of Police 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 that may have a material bearing on the case.

(2) The commission may also recommend to the State Government payment of monetary compensation by the Government to the victims of the subject matter of such an inquiry.

71. Reports of the Commission :

(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 identifiable patterns of misconduct on the part of police personnel in the State ; and
- (e) recommendations on measures to enhance police accountability.

(2) The annual report of the Commission shall be laid before the State Legislature. The report shall be a public document, made accessible to the public.

- (3) The Commission may also prepare special reports with respect to specific cases directly inquired into by it. These reports shall also be made accessible to the public.

72. Rights of the complainant :

- (1) Any person any lodge his complaint relating to any ‘misconduct’ or ‘serious misconduct’ on the part of police personnel with either the departmental police authorities or with the Commission.

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

- (2) In cases where a person has lodged a complaint with the police authorities, he may inform the Commission 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 or the Commission). 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.

73. Duty of the police and other state agencies :

- (1) All police officers and authorities shall refer all allegations of ‘serious misconduct’ against police personnel, coming to their notice, to the Commission.

(2) It shall be the duty of the heads of the district police and of the state police as well as of any other concerned state agency to provide to the Commission all information they may reasonably require to perform their duties provided for in this Chapter.

74. Interference with the functioning of the Commission or the Authority:

Whoever influences or interferes with the functioning of the Commission, except in the course of lawful duty, shall, on conviction by a court of law, be liable to a fine or to an imprisonment for a term not exceeding one year, or both.

Explanation: Any threat, coercion or inducement offered to any witness or victim of police misconduct or serious misconduct, shall be deemed to be interference with the functioning of the Commission for the purpose of this Section.

75. Training :

It shall be the duty of the Commission to ensure that all its Members, and other staff and their staff are regularly trained, inter alia, about:

- (a) technical and legal issues related to departmental inquiries ;
- (b) specific forms of human rights violation ; and
- (c) appropriate handling of victims of police abuse

76. Protection of action taken in good faith :

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

77. Funding :

The State Government shall ensure that adequate funds are provided to the Commission for the effective performance of their functions by way of separate component in appropriate major head of the State budget, as the State Government may decide.

CHAPTER – IX

General Offences, Penalties, and Responsibilities

Order in streets and public places

78. Regulation of public assemblies and processions :

- (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 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. Under special circumstances to be recorded in writing, the concerned officer may also prohibit the assembly or procession in public interest. All orders and directions should be given within 48 hours of receipt of intimation, as far as possible.

79. Assemblies and processions violating prescribed conditions :

- (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) and (3) of Section 78 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 Indian Penal Code 1860.

80. Regulation of the use of music and other sound system in public places:

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 performance and other activities in or near streets or any public place that cause annoyance to the residents of the neighborhood.

81. Directions to keep order on public roads :

- (1) The District Superintendent 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 passer 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.

82. Penalty for disobeying orders or directions :

Any person not obeying the lawful orders issued under Sections 78, 79 and 81 may be arrested and on conviction by a court of law, shall be liable to a fine.

83. Power to reserve public places and erect barriers :

- (1) The District Superintendent of Police may, be public notice, temporarily reserve for any public purpose any street or other public place, and prohibit the public from entering the area so reserved, except on such conditions as may be specified.
- (2) (a) The District Superintendent of Police may, authorize any police officer to erect barriers and other necessary structures on public

roads and streets to check vehicles or occupants thereof for violation of any legal provision 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) The temporary structures or barriers shall be removed once the purpose for which they were installed is over.

84. Obstruction in 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.

85. 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 by a general or special order, a police uniform or any dress having the appearance or bearing any or the distinctive marks of that uniform, shall, on conviction, be punished with imprisonment not exceeding six months or fine or both

86. Refusal to deliver up certificate etc. on ceasing to be police officers :

Whoever, having ceased to be a police officer, does not forthwith deliver up his/her certificate of appointment, clothing, accoutrements and other wherewithal supplied to him for the execution of his duty, shall on conviction by a court of law, be liable to a fine.

87. False or misleading statement made to the police :

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

88. Dereliction of duty by a police officer :

(1) 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) acts in any other manner unbecoming or a police officer ;

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

(2) Whoever, being a police officer,

- (a) is guilty of cowardice ; or
- (b) abdicates duties, or withdraws from duties, or remains absent without authorization from duty for more than 21 days ; or
- (c) uses criminal force against another police officer, or indulges in gross in subordination ; or
- (d) is guilty of sexual harassment in the course of duty, whether towards other police officer of any member of the public ;

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

89. Arrest , search, seizure and violence :

Whoever, being a police officer:

- (1) without lawful authority or reasonable cause enters or searches or causes to be entered or searched, any building, vessel, tent or palace ; or
- (2) unlawfully and without reasonable cause seizes the property of any person ; or
- (3) unlawfully and without reasonable cause detains, searches, or arrest 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 to any kind of inhuman or unlawful personal violence or gross misbehaviour ; or

(6) holds out any threat or promise not warranted by law ;

shall, on conviction, be punished with imprisonment for a term which may extend to one year and shall be liable to fine.

90. Offences by the Public :

(1) Any persons who commits any of the following offences on any road, or street or thoroughfare, or any open place, within the limits of any area specially notified by the State Government for the purpose of this Section, to the inconvenience, annoyance or danger of the residents or passers-by shall, on conviction by a court, be liable to a fine.

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

(b) being found intoxicated and riotous ;

(c) neglecting to fence in or duly protect any well, tank, hole or other dangerous places 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, building or other structures without prior permission of the custodian of the property;

(e) willfully entering or remaining without sufficient cause in or upon any building belong to the Government or land 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 ;
 - (j) causing annoyance to a woman by making indecent overtures or calls or by stalking.;
- (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 of imprisonment which may extend to three months or fine or both.

91. Procedure for posting directions and public notices :

- (1) All general directions, regulations, and public notices issued under this Chapter shall be published by posting notices in the office of the District and Sub-divisional Magistrate, Tehsil Office, and Panchayat office of the local area as well as in the locality affected, by affixing copies in conspicuous places near the building or place to which the notice specially relates, or by announcing it by the beating of drum or by advertising in local newspapers and other media, or by any other means as the Superintendent of Police may deem fit.
- (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 byelaw of the Corporation or of any other Municipal or Local Authority in relation to public health, convenience or safety of the locality, such regulation shall be subject to such law, rule or byelaw.

92. Prosecution of Police officers :

No court shall take cognizance of any offence under this Act when the accused person is 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.

93. Prosecution for offences under other laws :

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.

94. Summary disposal of certain cases :

- (1) A court taking cognizance of an offence punishable under Sections 82 and 90 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.

95. Recovery of penalties and fines imposed by Magistrates :

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

96. Limitation of actions :

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

CHAPTER-X

Miscellaneous

97. Disposal of fees and rewards:

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

Provided that with the sanction of the State Government, or under any rule made by the State Government in that behalf, the whole or any portion of any such reward, forfeiture or penalty may be for special services, be paid to a police officer, or be divided amongst two or more Police Officers.

98. Method of providing orders and notifications:

Any order or notification published or issued by the State Government or by a Magistrate or officer under any provision of this Act, and the due publication or issued 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, an by him certified to be a true copy or an original published or issued according to the provisions of the section of the Act applicable thereto.

99. Validity of rules and orders:

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

100. Officers holding charge of or succeeding to vacancies competent to exercise powers:

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

101. Public notices how to be given:

Any public notice required to be given under any of the provisions of this act shall be in writing under the signature of a competent authority and shall be published in the locality to be affected thereby, by affixing copies thereof, 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 the said authority may deem fit, or by any two or more of these means and by any other means it may think suitable.

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

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

Whenever under this Act, the doing or the omitting to do anything or the validity of anything depends upon the consent, approval, declaration, opinion or satisfaction of 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.

103. Power to make rules :

Act: The State Government may make rules for carrying out the purpose of this

Provided that all the rules, regulations and orders relating to administration of the State police establishment existing immediately before commencement of this Act shall be deemed to have been made under this Act unless any provision thereof is found inconsistent with this Act.

104. Power to remove difficulties :

- (1) If any difficulty arises in giving effect to the provisions of this Act the State Government may, by notification in the Official Gazette, make such provision as it deems necessary or expedient for removing the difficulty.
- (2) Every notification issued under this section shall, as soon as may be after it is issued, be laid before the legislature.

105. Notification of rules and regulations in the Official Gazette and laying of rules and regulations :

- (a) Every rule and regulation made under this Act shall be made by notification in the Official Gazette.
- (b) Every rule and regulation made under this Act shall be laid, as soon as may be after it is made, before the State Legislature

106. Persons aggrieved may apply to State Government to annul reverse or alter any rule or order :

It the case of any rule order made by the State Government under any authority conferred by this Act and requiring the public or a particular class of persons to perform some duty or act, or to conduct or order themselves or those under their control in a manner therein described, it shall be competent to any aggrieved person to make a representation to the State Government to annul, reverse, or alter the aforesaid rule or order.

107. Repeal and saving :

- (1) The Police Act 1861, in its application to the State of Tripura, is hereby repealed.
- (2) Notwithstanding such repeal, anything done or any action taken or any proceeding instituted or any order made or any notification issued under the Act so repealed shall be deemed to have been done or taken or instituted or made or issued under the corresponding provisions of this Act.
- (3) All reference in any other enactment to any of the provisions of the Act so repealed shall be construed as a reference to the corresponding provisions of this Act.

FORM

(See Section 17)

-----has been appointed a member of the Tripura Police Service under Act No. 1 of 2007 and is vested with the powers, functions and privileges of a police officer.

P.B Nath
Additional Secretary, Law
Government of Tripura