



The Mizoram Gazette

EXTRA ORDINARY

Published by Authority

RNI No. 27009/1973 Postal Regn. No. NE-313(MZ) 2006-2008 Re. 1/- per page

VOL - XLI Aizawl, Monday 16.1.2012 Pausa 26, S.E. 1933, Issue No. 20

NOTIFICATION

No. H. 12018/118/2008-LJD, the 12th January, 2012. The following Act is hereby published for general information.

The Mizoram Police Act, 2011 (Act No. 3 of 2012)

{Received the assent of the Governor of Mizoram on the 19th December, 2011 }

Zahmingthanga Ralte,

Deputy Secretary to the Govt. of Mizoram.

Preamble

WHEREAS respect for and promotion of the human rights of the people, and protection of their civil, political, social, economic and cultural rights, is the primary concern of the Rule of Law;

AND WHEREAS, it is the constitutional obligation of the State to provide impartial and efficient Police Service safeguarding the interests of vulnerable sections of society including the minorities, and responding to the democratic aspirations of citizens;

AND WHEREAS such functioning of the Police Service needs to be professionally organized, service oriented, free from extraneous influences and accountable to law;

AND WHEREAS it is expedient to redefine the role of the police, its duties and responsibilities, by taking into account the emerging challenges of policing and security of State, the imperatives of good governance, and respect for human rights;

AND WHEREAS it is essential to appropriately empower the police to enable it to function as an efficient, effective, people-friendly and responsive agency;

AND WHEREAS it is necessary for this purpose to enact a new law relating to the establishment and management of the Police Service;

It is enacted by the Legislative Assembly of Mizoram in the sixty-Second year of the Republic of India as follows:-

THE MIZORAM POLICE ACT, 2011 (Act No. 3 of 2012)

An Act to provide for the establishment and management of better policing system and matter relating thereto.

Chapter - I

Preliminary: Definitions & Interpretations

1. Short title, extent and commencement:

- (1) This Act may be called the Mizoram Police Act, 2011.
- (2) It extends to the whole of the state of Mizoram.
- (3) It shall come into force on such date as the State Government may, by notification in the official Gazette, specify in this behalf.

2. Definitions:-

- (1) In this Act, unless the context otherwise requires,-
 - (a) “Act” means the Mizoram Police Act, 2011;
 - (b) “Core functions” means duties related to sovereign functions of the State including arrests, search, seizure, crime investigation, crowd control and allied functions that can only be performed by the Police as the agency of the State.
 - (c) “Insurgency” means 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” means 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) “Non-core functions” mean such functions which are not core functions as defined;
 - (g) “Organized crime” means 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;

- (h) “Place of public amusement and public entertainment” means such places as may be notified by the State Government;
 - (i) “Police District” means the territorial area notified under Section 9 of Chapter II of this Act;
 - (j) “Police Officer” means any member of Mizoram Police constituted under this Act;
 - (k) “Prescribed” means prescribed by rules made under this Act;
 - (l) “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 purposes of recreation;
 - (m) “Regulations” means regulations made under this Act;
 - (n) “Rules” means rules made under this Act;
 - (o) “Service Companies” means 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;
 - (p) “Service” means the Police Service constituted under this Act;
 - (q) “Subordinate Rank” means all ranks below the rank of Assistant or Deputy Superintendent of Police;
 - (r) “Terrorist activity” means any activity of a person or a group using explosives or inflammable substances or firearms or other lethal weapons or noxious gases or other chemicals or any other substance of a hazardous nature with the aim to strike terror in the society or any section thereof, and with an intent to overawe the Government established by law.
- (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 (Act No 10 of 1897), the Code of Criminal Procedure 1973 Act No 2 of 1974), and the Indian Penal Code 1860 (Act No 45 Of 1860).

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Chapter - II

Constitution and organization of the Police Service

3. One Police Service,-

There shall be one Police Service for the State of Mizoram. Members of the Police Service shall be liable for posting to any branch of the Service in the state, including any of its specialized wings.

4. Constitution and composition of the Police Service.

Subject to the provisions of this Act:

- (1) The Police Service shall consist of such numbers in various ranks and have such organization as the State Government may by general or special orders determine.
- (2) The direct recruitments to non-gazetted ranks in the Police Service shall be made through a state-level Police Recruitment Board duly constituted by the competent authority through a transparent process, adopting well-codified and scientific systems and procedures as provided in the Mizoram Police Manual and other relevant rules.
- (3) The recruitment to the Indian Police Service and to the rank of Deputy Superintendent of Police shall be made through the Union Public Service Commission and the State Public Service Commissions respectively.
- (4) The composition of the Police Service shall, as far as possible, reflect adequate representation of all sections of society, including gender representation.
- (5) The pay, allowances, service and working conditions of police personnel shall be as prescribed by rules, from time to time. These shall always be commensurate with the arduous nature of their duties.
- (6) Police personnel shall at all times remain accountable to the law and responsive to the lawful needs of the people and shall observe codes of ethical conduct and integrity, as prescribed.

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

- (1) For the overall direction and supervision of the Police Service, the State Government shall appoint a Director General of Police who shall exercise such powers, perform such functions and duties, and have such responsibilities and such authority, as may be prescribed.
- (2) The post of Director General of Police shall be the senior-most position in the hierarchy of the Police Service in the state and no other officer senior or equivalent in rank to the incumbent Director General of Police shall be posted

to any position within the police organization to ensure that the unity of command is maintained at all times,

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 cadre, subject to his fulfillment of the criteria laid down in sub-section (2).

Provided further that if any other police officer also holds the rank of Director General, then he or she may be appropriately appointed outside the state police organization.

- (3) The State Government may appoint one or more Additional Director General, and as many Inspectors General, Deputy and Assistant Inspectors General as necessary.
- (4) 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 Additional Director General or an Inspector General or a Deputy or Assistant Inspector General 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 police officers of the State, empanelled for the rank.
- (2) The empanelment for the rank of Director General of Police shall be done by the State Security Commission created under section 30 of Chapter IV of this Act, considering, *inter alia*, the following criteria:
 - (a) Length of service and fitness of health, standards as prescribed by the State Government;
 - (b) assessment of the performance appraisal reports of the previous 15 years of service by assigning weightage to different grading, namely, 'Outstanding', 'Very Good', 'Good', & 'Satisfactory' ;
 - (c) range of relevant experience, including experience of work in central police organizations, and training courses undergone;
 - (d) indictment in any criminal or disciplinary proceedings or on the counts of corruption or moral turpitude; or charges having been framed by a court of law in such cases.
 - (e) due weightage to award of medals for gallantry, distinguished and meritorious service:

- (3) The Director General of Police so appointed, unless superannuating earlier, shall have a minimum tenure of two years:

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

- (a) conviction by a court of law in a criminal offence or where charges have been framed by a court in a case involving corruption or moral turpitude; or
- (b) punishment of dismissal, removal, or compulsory retirement from service or of reduction to a lower post, awarded under the provisions of the All India Services (Discipline and Appeal) Rules, 1969 or any other relevant rule; or
- (c) suspension from service in accordance with the provisions of the said rules; or
- (d) incapacitation by physical or mental illness or otherwise becoming unable to discharge his functions as the Director General of Police; or
- (e) promotion to a higher post under either the State or the Central Government, subject to the officer's consent to such a posting.

7. Appointment of Legal Advisor.-

- (1) The State Government may appoint a Legal Advisor to assist and aid the Director General of Police on legal matters in the discharge of his duties and functions.
- (2) The State Government shall also ensure that every District Police Unit and every City Police Commissionerate is provided with one or more Legal Advisors to advise the police on legal issues and matters on the adequacy or otherwise of available evidence in various cases investigated by them. The police shall take necessary action on such advice before submitting the charge sheets in the cases.

8. Creation of Police Zones and Ranges

- (1) The State Government, in consultation with the Director General of Police, may, by notification, divide the entire geographical area of the state into one or more Police Zones. Each Zone, **comprising** two or more Police Ranges, shall be headed by an officer of the rank of Inspector General who shall supervise the police administration of the Zone and report directly to the Director General of Police.
- (2) The State Government, in consultation with the Director General of Police, may, by notification, create as many Police Ranges as deemed necessary. Each Range, consisting of two or more Police Districts, shall be headed by an

officer of the rank of Deputy Inspector General 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.

9. Police Districts

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

10. District-level Special Cells, Sub-Divisions and Circles

- (1) For the purpose of dealing with a particular category of crime or providing better service to the community at large including victims of crime, the State Government may, in consultation with the Director General and by notification, create one or more Special Cells in each Police District, to be headed by an officer of the rank of 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.
- (3) The State Government may, by notification, divide each Police Sub-Division into two or more Circles, each headed by an officer of the rank of Inspector or Deputy Superintendent of Police:

Provided that in the event of a Circle being put under the charge of a Deputy Superintendent, such officer shall report directly to the District Superintendent of Police.

11. Police Stations

- (1) The State Government may, in consultation with the Director General of Police and by notification, create as many Police Stations with as many outposts as necessary, in a Police District as deemed necessary, duly keeping in view the population, the area, the crime situation, the workload in terms of law and order and the distances to be traversed by the inhabitants to reach the Police Station.
- (2) A Police Station shall be headed by a Station House Officer/Officer-in-Charge not below the rank of Sub-Inspector of Police:

Provided that larger Police Stations may be placed under the supervision of officers of the rank of Inspector of Police.

- (3) The State Government shall ensure availability of adequate strength of staff at each police station, duly based on the population, incidence of crime, law and order-related workload, and the geographical area.

- (4) The State Governments shall provide, as early as possible, each Police Station with all essential amenities including a reception-*cum*-visitors' room, separate toilets for men and women and separate lock-ups for men and women.
- (5) Each Police Station shall have a Women and Child Protection Desk, staffed, as far as possible, by women police personnel, to record complaints of crimes against women and children and to deal with the tasks relating to administration of special legislations relating to women and children.
- (6) Each Police Station shall prominently display all the relevant information required to be made public, including the Supreme Court guidelines and directions, as also departmental orders on arrests, and the details regarding the persons arrested and held in lock-ups.

12. Term of office of key police functionaries.-

- (1) An officer posted as a Station House Officer/Officer-in-Charge in a Police Station, as a Sub-Divisional Police Officer, as a Superintendent of Police of a District and as a Deputy Inspector General of Police in-charge of a Range shall have a term of a minimum of two years and a maximum of three years:

Provided that any such officer may be made to leave his post before the expiry of the minimum tenure of two years consequent upon:

- (a) promotion to a higher post; or
 - (b) conviction, or charges having been framed, by a court of law in a criminal offence; or
 - (c) 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
 - (d) suspension from service in accordance with the provisions of the said Rules; or
 - (e) incapacitation by physical or mental illness or otherwise becoming unable to discharge his functions and duties; or
 - (f) the need to fill up a vacancy caused by promotion, transfer, or retirement; or
 - (g) on deputation with the consent of the officer concerned.
- (2) In exceptional cases, an officer may be removed from his post by the competent authority before the expiry of his tenure for gross inefficiency and negligence or where a prima facie case of a serious nature is established after a preliminary enquiry:

Provided that in all such cases, the competent authority shall report in writing the matter with all details to the next higher authority as well as to the Director General of Police. It shall be open to the aggrieved officer, after complying with the order, to submit a representation against his premature removal to the Police Establishment Board, which shall consider the same on merit and recommend due course of action to the competent authority.

Explanation: Competent authority means an officer authorized to order transfers and postings for the rank concerned.

13. Coordination within the District Administration.-

For the purpose of efficiency in the general administration of the district, it shall be lawful for the District Magistrate, in addition to the provisions of the Code of Criminal Procedure, 1973 and other relevant Acts, to coordinate the functioning of the police with other agencies of district administration in respect of matters relating to the following:

- (a) the promotion of land reforms and the settlement of land disputes;
- (b) extensive disturbance of the public peace and tranquility in the district;
- (c) the conduct of elections to any public body;
- (d) the 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.

14. Railway Police

- (1) The State Government may, by notification in the Official Gazette, create one or more special police districts embracing such railway areas in the State as it may specify, and appoint a Superintendent of Police, one or more Assistant and Deputy Superintendent and such other police officers for each such special district as it may deem fit.
- (2) Subject to the control of the Director General of Police, such police officers shall discharge police functions connected with the administration of railways situated within their respective charges, and such other functions as State Government may from time to time assign them.
- (3) Any police officer whom the State Government may by general or special order empower to act under this sub-section, may, subject to any orders which the government may make in this behalf, exercise within the special district or any part thereof any of the powers of an officer-in-charge of a Police Station in that district. While exercising such power he shall, subject to any such order as aforesaid, be

deemed to be an officer-in-charge of the Police Station discharging the functions of such officer within the limits of his Station.

- (4) Subject to any general or special orders which the State Government may make in this behalf, such police officers shall, in the discharge of their function, be vested within every part of the state, with the powers and privileges and be subject to liabilities of police officers under this Act or any other law for the time being in force.
- (5) The Superintendent of Police may, with the previous permission of the State Government, delegate any of the powers and functions conferred on him by or under this Act, to an Assistant or Deputy Superintendent.

15. State Intelligence and Criminal Investigation Departments

- (1) The state police organization 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 IX 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 the aforesaid departments.
- (3) The Criminal Investigation Department shall have specialized wings to deal with different types of crime requiring focused attention or special expertise for investigation. Each of these wings shall be headed by an officer not below the rank of a Superintendent of Police.
- (4) The State Intelligence Department shall have specialized wings, to deal with and coordinate specialized tasks such as measures for counter terrorism, counter militancy and VIP Security.
- (5) The State Government shall appoint by rules prescribed under this Act, an appropriate 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.

16. 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) (a) The services so created shall include a full fledged Forensic Science Laboratory at the State-level, and if possible, at a Police Range and a Mobile Forensic Science Unit for every district, with appropriate equipment and scientific manpower, in keeping with the guidelines laid down by the Directorate of Forensic Science or the Bureau of Police Research and Development of the Government of India.

(b) The State Government shall take all measures to encourage and promote the use of science and technology in all aspects of policing.

- (3) The State Government, shall appoint for the whole state one or more Directors of Police Telecommunications, preferably not below the rank of Deputy Inspector General of Police and as many Superintendents of Police and Deputy Superintendents of Police as deemed necessary to assist him.

17. Appointment of Directors of State Police Academies and Principals of Police Training Schools.-

(1) The State Government shall establish a full-fledged Police Training Academy at the state level and as many fully-equipped Police Training Schools as deemed necessary for ensuring efficient post induction training of all directly-recruited police personnel in various ranks, pre-promotion training for all those promoted to higher levels and such thematic and specialized in-service training courses for police personnel of different ranks and categories as deemed necessary from time to time.

(2) The State Government shall also ensure by rules prescribed, for appointment of senior and competent officers to head such Police training institutions, and appropriate number of officers from the Police Service, after careful selection having due regard to aptitude, academic qualifications, professional competence, experience and integrity. The State Government shall evolve a scheme of monetary and other incentives to attract and retain the best of the available talent in the Police Service to the faculties of such training institutions.

(3) The State shall also ensure appointment of persons with academic accomplishments in the fields of law, sociology, psychology, criminology, forensic science and other academic subjects relevant to police profession to the permanent faculty positions in these training institutions.

18. Organization 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.

19. 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 Superintendent of Police or Commissioner of Police, as the case may be, or another officer appointed in that behalf by him as the case may be, an oath or affirmation, as prescribed.

20. Certificate of appointment.-

(1) Every police officer of or below the rank of Inspector shall on appointment receive a certificate in the form as prescribed. The certificate shall be issued

under the hand and seal of such officer as the State Government may by general or special order direct.

- (2) The certificate of appointment shall become null and void, whenever the person named therein ceases to belong to the Police Service or shall remain inoperative during the period such person is suspended from the service.

21. Special Police Officers.-

- (1) The Superintendent of Police or any officer, specially empowered in this behalf by the State Government, 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 50 years, whom he considers fit to be a Special Police Officer to assist the Police Service.
- (2) Every Special Police Officer so appointed shall:
 - (a) on appointment, undergo prescribed training and thereafter receive a certificate in a form approved by the State Government in this behalf; and
 - (b) shall have the same powers, privileges and immunities and be liable to the same duties and responsibilities and be subject to the same authorities as an ordinary police officer.
- (3) Every Special Police Officer so appointed shall be honorary in nature. However, the state government may by special order prescribe the honorarium to be paid to such Special Police Officers.

22. Appointment of Additional Police.-

- (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

Armed Police Units

23. District Armed Reserves and State Armed Police Battalions.-

To assist the civil police promptly and efficiently in dealing with group protests and violent disturbances involving breaches of peace or law and order, and in disaster management functions, as well as to discharge such duties as require the presence of armed police, the State Government may create Armed Police units with appropriate manpower strengths in the form of an Armed Police Reserve for each Police District, (if and when considered necessary) and appropriate number of Armed Police Battalions for the state, including provision of women units

24. Role and functions.-

The Armed Police Battalions will be a state-level reserve, to be deployed under specific orders of the Director General of Police, to aid and assist the civil police in dealing with virulent and widespread problems of public disorder or other forms of violence, needing deployment of armed police beyond the resources of the district police.

25. The District Armed Reserve.-

The District Armed Reserve, if created, will function under the control, direction and supervision of the District Superintendent of Police and shall be the armed wing of the District Police to deal with an emergent law and order problem or any violent situation in the District, and for providing security guards or escort of violent prisoners, or such other duties as may be prescribed.

26. Organizational structure of District Armed Reserves.-

- (1) The District Armed Police Reserve shall be headed by an officer of the rank of either a Deputy Superintendent of Police (Armed Reserve) or an Additional Superintendent of Police (Armed Reserve), depending on the manpower strength of the Armed Reserve set-up of the District.
- (2) The District Armed Reserve will be sub-divided into appropriate numbers of Platoons, each headed by a Reserve Sub-Inspector. The Platoons will be further subdivided into Sections, each of which will be headed by a senior Havildar or senior Head Constable. Each Section shall have two Havildars or Head Constables who could lead the half-Sections when so deployed.
- (3) The deployment of the District Armed Reserve for performing law and order duty with arms shall ordinarily not be in less than Section strength. Only when large-scale deployments have to be made, covering a wide area, and when firearms are not needed, the Armed Reserve set-up could be utilized in the strength of half-Sections.

- (4) Each Armed Reserve set-up shall have an appropriate number of Reserve Inspectors to deal with general administration of the Reserve, maintenance of equipment and stores, and training.
- (5) It shall be the duty of the District Superintendent of Police to ensure that the personnel of the Reserve are deployed in a manner that ensures their regular training and constant preparedness for their tasks, as also a fair rotation between duty and rest for them.

27. Organizational structure of the Armed Police Battalions.-

A Commandant, equivalent in rank to Superintendent of Police, shall head each Armed Police Battalion. The Commandant shall be assisted by a Deputy Commandant, equivalent in rank to Additional Superintendent of Police, who will also be the Second-in-Command of the Battalion. Each Battalion shall be divided into appropriate number of Service Companies and a Headquarters Company, each of which will be headed by an Assistant Commandant, equivalent in rank to Deputy Superintendent of Police.

28. Administration, Training, etc of Armed Police Battalions set up.-

The Armed Police Battalions set-up of the state shall be headed by an officer of or above the rank of Deputy Inspector General, depending on the number of Battalions in the state, who shall be responsible for the administration, training, operational preparedness and welfare of personnel of all the armed police units in the state, under the overall guidance and supervision of the Director General.

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Chapter - IV

Superintendence and Administration of Police

29. Superintendence of state police to vest in the State Government.-

- (1) It shall be the responsibility of the State Government to ensure an efficient, effective, responsive and accountable Police Service for the entire state. For this purpose, the power of superintendence of the Police Service shall vest in and be exercised by the State Government in accordance with the provisions of this Act.
- (2) The State Government shall exercise its superintendence over the police in such manner and to such an extent as to promote the professional efficiency of the police and ensure that its performance is at all times in accordance with the law. This shall be achieved through laying down policies and guidelines, setting standards for quality policing, facilitating their implementation and ensuring that the police performs its task in a professional manner with functional autonomy.

30. State Security Commission.-

The State Government shall, within six months of the coming into force of this Act, establish a State Security Commission to exercise the functions assigned to it under the provisions of this Chapter.

31. Composition of the Commission.-

- (1) The State Security Commission shall have as its members:
 - (a) the Home Minister as its Chairperson;
 - (b) the Leader of the Opposition in the State Assembly;
 - (c) a retired District Judge, nominated by the Chief Justice of the High Court;
 - (d) the Chief Secretary;
 - (e) the Secretary in charge of the Home Department;
 - (f) the Director General of Police as its Member-Secretary; and
 - (g) two non-political persons (hereinafter referred to as “Independent Members”) of proven reputation for integrity and competence in administration, law enforcement and security related matters 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 Security Commission shall be filled up as soon as practicable, but not later than three months after the seat has fallen vacant.

32. Grounds of ineligibility for Independent Members.-

No person shall be appointed as an Independent Member of the State Security Commission if he –

- (a) is not a citizen of India; or
- (b) has been convicted by a court of law or against whom charges have been framed in a court of law; or
- (c) has been dismissed or removed from service or compulsorily retired on the grounds of corruption or misconduct; or
- (d) 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 connected with a political party; or
- (e) is of unsound mind.

33. Term of office of Independent Members.-

A person shall be appointed as an Independent Member for a period of three years. The same person shall not be appointed for more than two consecutive terms.

34. Removal of Independent Members.-

(1) An Independent Member may be removed from the State Security Commission by a two-thirds majority of members of the Commission on any of the following grounds:-

- (a) proven incompetence; or
- (b) proven misbehavior; or
- (c) failure to attend three consecutive meetings of the **State Security Commission** without sufficient cause; or
- (d) incapacitation by reasons of physical or mental infirmity or otherwise becoming unable to discharge his functions as a member.

(2) In addition, an Independent Member shall be removed from the State Security Commission if he incurs any of the grounds of ineligibility specified under Section 32.

(3) The State Security Commission shall explicitly state in writing the grounds for such removal.

35. Functions of the State Security Commission.-

The State Security Commission shall perform the following functions -

- (a) frame broad policy guidelines for promoting efficient, effective, responsive and accountable policing, in accordance with the law;
- (b) prepare panels of police officers for the rank of Director General of Police against prescribed criteria with the provisions of Section 6 of Chapter II;
- (c) identify performance indicators to evaluate the functioning of the Police Service. These indicators shall, *inter alia*, include: operational efficiency, public satisfaction, victim satisfaction vis-à-vis police investigation and response, accountability, optimum utilization of resources, and observance of human rights standards; and
- (e) review and evaluate organizational performance of the Police Service in the state as a whole as well as district-wise against (i) the Annual Plan, (ii) performance indicators as identified and laid down, and (iii) resources available with and constraints of the police.

36. Expenses of the State Security Commission.-

The expenses on account of remuneration, allowances and travel in connection with official business of the State Security Commission, in respect of the Independent Members shall be borne by the State Government.

37. Administration of Police.-

- (1) The administration of Police throughout the state shall be vested in the Director General of Police and in such Additional Directors General, Inspectors General, Deputy Inspectors General and other officers as appointed under this Act.
- (2) The administration of police in a district shall vest in the District Superintendent of Police.
- (3) Administration will mean the management of the Police Force of the State, subject to law, rules and regulations; and will include framing of regulations; supervising the functioning of the police at all levels; appointment to subordinate ranks of the Service, deployment of the police personnel, posting, transfers, and maintenance of discipline and high morale in the entire State police force.

Provided that the State Government may intervene in the exercise of the powers of administration by the Director General of Police or any other authorized officer only in accordance with the prescribed rules, regulations or in exceptional circumstances involving urgent public interest, reasons for which shall be recorded in writing.

38. Powers and responsibilities of the Director General of Police.-

As head of the state Police Force, it shall be the responsibility of the Director General of Police to;

- (a) operationalise the policies, the Strategic Plan and the Annual Plan prepared by the State Government.
- (b) administer, control and supervise the Police Service to ensure its efficiency, effectiveness, responsiveness and accountability.

39. Police Establishment Board and its functions.-

- (1) The State Government shall constitute a Police Establishment Board (hereinafter referred to as the 'Establishment Board) 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 Police Establishment Board shall** accept and examine complaints from police officers about being subjected to illegal orders and shall make

appropriate recommendation to the Director General of Police for necessary action:

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

- (3) The Establishment Board 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. The State Government shall ordinarily accept these recommendations, and if it disagrees with any such recommendation, it shall record reasons for disagreement.
- (4) The Establishment Board shall also consider and recommend to the Director General of Police the names of officers of the ranks of Sub-Inspector and Inspector for posting to a Police Range on initial appointment, or for transfer from one Police Range to another, where such transfer is considered expedient for the Police Service.
- (5) Inter-district transfers and postings of non-gazetted ranks, within a Police Range, shall be decided by the Range Deputy Inspector General, as competent authority, on the recommendation of a Committee comprising all the District Superintendents of Police of the Range.
- (6) Postings and transfers of non-gazetted police officers within a Police District shall be decided by the District Superintendent of Police, as competent authority, on the recommendation of a District-level Committee in which all Additional/Deputy/Assistant Superintendents of Police posted in the District shall be members.
- (7) While effecting transfers and postings of police officers of all ranks, the concerned competent authority shall ensure that every officer is ordinarily allowed a minimum tenure of two years in a posting. If any officer is to be transferred before the expiry of this minimum term, the competent authority must record detailed reasons for the transfer.
- (8) No authority other than the authority having power under this Act to order transfer shall issue any transfer order

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Chapter - V

Role, Functions, Duties and Responsibilities of the Police

40. 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 members 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 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.

41. 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, persons with disabilities 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) 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.

42. 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 a 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.

43. 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, whenever the same shall appear necessary or expedient for giving more complete or convenient effect to the law or for avoiding any infringement thereof.

44. Non-core duties may be outsourced

The Director General of Police, with the approval of the State of the Government, shall try to outsource as many non-core police functions as possible, to enable police officers to concentrate on core police functions.

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Chapter - VI

Policing in Rural Areas and Village Police System

45. Police Stations covering rural areas.

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

46. Security of Police Station.

Special attention shall be paid to the security of each Police Station, particularly in areas prone to violence or mass disturbances.

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

The Station House Officer/Officer-in-Charge 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.

48. Village visits by Supervisory Officers.

All supervisory officers including the Superintendent of Police shall visit 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.

49. Village Defense Parties.

The Superintendent of Police shall organize a group of local respectable persons for each village for the purpose of carrying out preventive patrolling, promoting crime reduction measures and generally assisting the police in their functioning. The group will be called the Village Defense Party and may not normally consist of more than 15 members, with provision for having more than one Village Defense Party if the size and population of the village so require. The composition of the Party shall reflect the diversity of local population including adequate gender representation.

50. Members of Village Defense Party

Members will be inducted into the Village Defense Parties by the Superintendent of Police in consultation with the Community Liaison Group, from amongst able-bodied persons, and with good character and antecedents, who are permanent residents of that village, 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 moral turpitude, corruption or misconduct, or are connected with any political party or any allied organization thereof.

51. Term of Village Defense Party

The Village Defense Party will normally be reconstituted every three years. Members may be re-nominated subject to at least one third new member being inducted every year. No renewal shall, however, be granted to a person after he crosses the age of sixty years or who incurs any other condition of ineligibility specified in Section 50. However, any vacancy may be filled up as and when it occurs.

52. Removal of member of Village Defense Party.

A person may also be removed from the membership of the Village Defense Party at any time during the currency of his tenure, if he incurs any condition of ineligibility specified in Section 50.

53. Complaint against Village Defense Party

In the event of any complaint against the Village Defense Party or its members, the Superintendent of Police will take appropriate action, including, if necessary, removal of the concerned members.

54. Day-to-day needs of Village Defense Party.

Membership of the Village Defense Party shall be voluntary and honorary. However, to facilitate the proper functioning of the Village Defense Party, the Officer-in-Charge/Station House Officer shall provide its members with the required equipment

of day-to-day needs as well as reasonable out-of-pocket expenses, as prescribed from time to time. The District Superintendent of Police will make arrangements for necessary training of the members of each Village Defense Party.

55. Identification Badge.

The members of the Village Defense Party shall wear such an Identification Badge as issued by the District Superintendent of Police.

56. Return of Badge.-

Any person who for any reason ceases to be a member of a Village Defense Party shall forthwith deliver, to the Superintendent of Police or to an officer authorized by him, his Identification Badge and all records and documents maintained by him as a member of the Village Defense Party.

57. Community Liaison Group.-

The District Superintendent of Police shall constitute a Community Liaison Group for each Police Station, comprising respectable local residents of the area with unimpeachable character and antecedents, including retired public servants and heads of teaching institutions, if any, as representatives of the community, to generally advise the police in their functioning. The Community Liaison Group shall have a fair representation of gender, and all other segments and professions, of the society in villages falling in the Police Station area. The Community Liaison Group shall have two representatives nominated by each Village Council / Panchayat Samiti in the jurisdiction of the concerned Police Station from amongst its members:

Provided that no person convicted by a court of law or against whom charges have been framed 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 shall be eligible to be inducted into the Community Liaison Group.

Provided further that no person who is connected with any political party or an organization allied to a political party, other than the nominated representatives of the Village Council/Panchayat Samiti, shall be eligible to be inducted into the Community Liaison Group.

58. Identifying Policing need and meeting of Community Liaison Group.-

The Community Liaison Group will identify the existing and emerging policing needs of the area, which will be taken into consideration by the Station House Officer/Officer-in-Charge while preparing the annual policing strategy and action plan for his jurisdiction, for submission to the District superintendent of Police. The Community Liaison Group shall perform such other functions as prescribed. It will meet as frequently as necessary, and at least once in each quarter of a year. The meetings of the Community Liaison Group may be attended by the Sub-Divisional Police Officer as well as the officer in charge of the Police Station and the Circle Inspector. The meetings shall be open to public.

Chapter - VII

Policing in Metropolitan Areas, Major Urban and Other Notified Areas

59. Establishment of Metropolitan Police.-

The State Government may, if and when considered expedient, establish for each of the metropolitan areas, other major urban areas with a sizable population (as determined by the State Government), and such other areas as notified for the purpose from time to time, a police system which is capable of handling the typically complex problems of crime, public order and internal security in urban areas, which call for quick and comprehensive response springing from purposeful direction, unitary chain of command, professional competence, functional specialization, and legal authority coupled with accountability, in accordance with the provisions of this Chapter.

60. (1) **Commissioner of Police** : The Commissioner of Police in whom the administration of police is vested in such area may be an officer of the rank of Deputy Inspector General of Police or above, depending on the population, and the magnitude and complexity of policing tasks in such area.

(2) **Additional, Joint, Deputy and Assistant Commissioners of Police**: The Government may divide the area specified in Section 59 into convenient territorial units and appropriate special units, and appoint one or more Additional, Joint, Deputy and Assistant Commissioners to assist the Commissioner of Police in the discharge of his duties.

(3) **Powers, functions and duties**: The Commissioner of Police and other officers under him shall exercise such powers, perform such functions and duties and shall have such responsibilities and authority, as prescribed :

Provided that any of these powers, functions, or duties, exercised or performed by the Commissioner of Police, shall be subject to the overall control and direction of the Director General of Police.

61. Magisterial powers of Commissioner of Police.-

Subject to such conditions and limitations as may be specified by the State Government:

(a) the Commissioner of Police shall exercise the powers and duties of an Executive Magistrate under such provisions of the Code of Criminal Procedure 1973 (Act No 2 of 1974), and such other Acts, as may be specified in addition to the normal police powers and duties exercised by the District Superintendent of Police.

(b) any officer subordinate to the Commissioner of Police (not being an officer below the rank of Assistant Commissioner of Police) shall exercise the powers and duties of an Executive Magistrate, under the provisions of the

Code of Criminal Procedure, 1973 (Act No 2 of 1974), as may be specified, under the overall control and supervision of the Commissioner of Police.

62. Constitution of police districts, police sub-divisions and police stations:

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

- (a) constitute appropriate number of Police Districts within each Commissionerate;
- (b) divide such Police Districts into Police Sub-Divisions and specify the Police Stations comprised in each Sub-Divisions; and
- (c) define the limits and extent of such Police Districts, Police Sub-Divisions and Police Stations;

63. Officers in charge of police districts, police sub-divisions and Police Stations

- (1) Each Police District shall be under the charge of a Deputy Commissioner of Police, who may, if necessary, be assisted in the discharge of his duties by one or more Additional Deputy Commissioners of Police.
- (2) Each Police Sub-Division shall be under the charge of an Assistant Commissioner of Police and each Police Station shall be under the charge of an Inspector of Police.

64. Security for keeping peace and order

- (1) The Commissioner of Police or any officer of an above the rank of Assistant Commissioner, on receipt of information that a person-
 - (a) is likely to do any wrongful act that may lead to disturbance of public order; or
 - (b) habitually commits, or attempts to commit, or abets the commission of, the offence of kidnapping, abduction, extortion, cheating or mischief, or any offence punishable under Chapter XII of the Indian Penal Code (45 of 1860), or under section 489A, 489B, 489C , 489D or 489D of that Code; or
 - (c) habitually commit, or attempts to commit, or abets the commission of offence involving a breach of the peace; or
 - (d) is so dangerous as to render his being at large hazardous to the community;

may require, by an order, such person to show cause why he should not be ordered to execute a bond, with or without sureties, for good behaviour in the interest of peace and order in his jurisdiction, for a period not exceeding one year.

- (2) An officer acting under sub-section(1) shall conduct the proceedings and issue orders in accordance with the procedure laid down in sections 111 to 122, and 124 of the Code of Criminal Procedure, 1973.

65. Power to operate certain Special Acts

The State Government shall assign the enforcement and administration specially of the following Acts as well as other similar Acts, as it deems necessary, to the Commissioner of Police;

- (1) The Indian Explosives Act 1884(Act No.IV of 1884);
- (2) The Mental Health Act, 1987(Act No. 14 of 1887);
- (3) The Poisons Act 1919(Act No.12 of 1919)
- (4) The Police(Incitement to Disaffection) Act, 1922.
- (5) The Immoral Traffic Prevention Act, 1956(Act No.104 of 1956);
- (6) The Arms Act, 1959(Act No.54 of 1959);
- (7) The Prevention of Cruelty to Animals Act, 1960(Act No.59 of 1960);
- (8) The Indian Sarais Act, 1867(Act No.22 of 1867);
- (9) The Cinematograph Act, 1952(Act No. xxxvii of 1952); and
- (10) The Child marriage Restraint Act, 1929(Act No. 19 of 1929).

66. Police to be associated in urban planning

While planning for any major developmental activity including development of new colonies, the concerned agency shall consult the Commissioner of Police to assess the likely impact of the proposed developmental activity on the safety and security needs of the citizens or any other policing requirements, and the suggestions based on such assessment shall be given due consideration in finalizing the plan.

67. Liaison and coordination with other government agencies

In order to ensure proper liaison, consultation and coordination between the police, the municipal authorities, the district administration and such other departments of the government, whose functioning impacts the working of the police, the State Government, by notification, will constitute appropriate coordination machinery and lay down procedures.

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Chapter – VIII

Policing in the Context of Public Order and Internal Security Challenges

68. Internal Security Schemes.-

The Director General of Police 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 under Section 59, to deal with problems of Public Order and Security of State, as specific to the area.

69. Review and revision of the Internal Security Schemes.-

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

70. Matters to be covered under Internal Security Schemes.-

- (1) The Internal Security Schemes will, as far as possible, cover all major problems the area is prone to or which can otherwise be anticipated in the whole or any part thereof. 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 of the area including adequate representation of weaker sections and minorities.

71. Coverage of vital installations under Internal Security Schemes.-

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.

72. Matters to be taken under certain situations.-

- (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 may be deemed necessary to deal with the situation.
- (2) While preparing the Internal Security Scheme under Section 68, the police shall take into consideration the contingencies of specific law and order problems, and security requirements that may arise in such situations.

73. Regular updating of Internal Security Schemes

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.

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Chapter - IX

**Effective Crime Investigation,
Including Use of Science and Technology in Investigation**

74. Investigations by Special Crime Investigation Unit.-

The State Government shall ensure that in all urban Police Stations and those in the crime-prone rural areas, a Special Crime Investigation Unit, headed by an officer not below the rank of Sub-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.

75. Selection of officers for Special Crime Investigation Unit.-

The officers posted in Special 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.

76. Tenure of officers posted in the Special Crime Investigation Unit.-

Officers posted to Special 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.

77. Cases to be investigated by the Special Crime Investigation Unit.-

- (1) The officers posted to the Special Crime Investigating Units will investigate organized crimes, serious economic offences and such heinous crimes as 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. Necessary legal and forensic advice will be made available to investigating officers of **Special Crime Investigating** Units during investigations.

78. Supervision of investigation taken up by the Special Crime Investigation Unit.-

The investigations of cases taken up by the Special Crime Investigation Unit, over and above the supervision by the Station House Officer/Officer-in-Charge concerned, will be supervised at the district level by an officer not below the rank of Deputy Superintendent of Police, assisted by an appropriate number of officers to ensure quality investigation on professional lines.

79. Criminal Investigation Department.-

The Criminal Investigation Department shall take up investigation of **inter-state, inter-district and other crimes of serious nature as notified by the government and** 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.

80. Selection of officers.-

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.

81. Scientific aids to investigation.-

The Criminal Investigation Department shall be equipped with adequate facilities of scientific aids to investigation and forensic science including qualified and trained manpower.

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Chapter X

Training, Research and Development

82. Training Policy.-

The State Government shall evolve a Training-cum-Education Policy for the police, keeping in view the current and anticipated requirements of policing. The Policy will, as far as possible, take into account any guidelines in respect of police training as may be issued by the Union Government from time to time. The training policy shall aim at achieving the objectives of imparting knowledge in police subjects, developing of professional skills, inculcating the right attitudes, and promoting constitutional and ethical values among police personnel.

83. Linking of training and promotion.-

The Training Policy shall ensure that police personnel are adequately trained to efficiently perform their job. Successful participation in appropriate training programmes shall be linked, as far as possible, to the promotion of police personnel

of different ranks, and to their postings to different assignments, in a structured manner, as notified by the State Government from time to time.

84. Regular up-gradation of Training Institutions.-

The State Government shall create and upgrade, from time to time, the infrastructure and capabilities of their training institutions in consonance with the holistic training needs of police personnel of different ranks, which shall include, besides all types of specialized training, a compulsory refresher training course of appropriate duration, for all ranks **at regular intervals**. For this purpose, the State Government shall also create a suitable training centre with the requisite infrastructure in each Police District or Armed Police Battalion, as the case may be.

85. Availing training facilities of the Central and Regional Police Training Institutions.-

The State Government shall ensure that full advantage is taken of the training facilities available in central and regional police training institutions, to adequately train police personnel of the state in specialized professional subjects, and to train the trainers of the state police training institutions.

86. To follow standards and guidelines issued by Government of India and National Police Academy in training.-

In upgrading their training infrastructure as well as the content and methodologies of their training courses, the training institutions shall take maximum advantage of the standards and practices evolved or guidelines issued by organizations such as the Bureau of Police Research and, Development of Government of India, and the National Police Academy.

87. Research and Development.-

The State Government may establish a State Bureau of Police Research and Development with provision for appropriate staff, funds and other resources regularly to undertake research and analysis on all such subjects and issues which may lead to improvement in the standards of police functioning and performance. The State Government may also sponsor, in other reputed organizations and institutions, special studies and research in subjects having relevance to policing.

88. Harnessing of developing technology and scientific aids in investigation.-

The State Government may also take appropriate measures to harness developing technology for scientific and technical assistance in the investigation and detection of crime, and other policing tasks.

89. Career planning - Procedure for promotion of police officers.-

(1) The State Government shall formulate a policy for career progression of police personnel in a manner that will ensure avenues for at least three promotions to

meritorious officers in their career, through a transparent process in accordance with the provisions laid down in Mizoram Police manual.

(2) Promotion to each rank in the Police Service shall be based on merit, which would include seniority, to be evaluated through the result of a qualifying examination **or** performance evaluation in respect of each officer. The Director General of Police shall, with the approval of the State Government, frame the evaluation criteria for each rank and category of police personnel.

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Chapter - XI

Regulation, Control and Discipline

90. Framing of rules for administration of police.-

Subject to the approval of the State Government, the Director General of Police shall make rules, 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 Service;
- (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 to 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) the purpose, generally, of rendering the police more efficient, and preventing abuse of power and neglect of duties by them.

91. Disciplinary Penalties.-

- (1) Subject to the provisions of Article 311 of the Constitution and the Rules and Regulations made under this Act, an officer of the rank of Superintendent of Police or above may award any of the following punishment to a police officer of a rank for which he is the appointing authority:
 - (a) reduction in rank;
 - (b) compulsory retirement;
 - (c) removal from service; or
 - (d) dismissal
- (2) Any police officer of the rank of Superintendent of Police or above, subject to the rules made in this behalf, may award any of the following punishments to any non-gazetted police officer subordinate to him:
 - (a) reduction in pay;
 - (b) withholding of increment
 - (c) withholding of promotion;
 - (d) fine not exceeding one month's pay; or
 - (e) reprimand or censure.
- (3) An Assistant Superintendent of Police or any officer of equivalent rank may award the punishment of reprimand or censure to an officer of or below the rank of Sub Inspector of Police.
- (4) Any officer of and above the rank of Inspector may award punishments to Constables and Head Constables, as prescribed.
- (5) Any punishment mentioned in sub-Sections (1), (2), (3) or (4), awarded to an officer, will not absolve him or her from any liability for prosecution for any criminal offence committed by him or her in the same transaction for which departmental action has led to award of punishment to him or her for any transgression of departmental rules.

92. Suspension.-

- (1) A police officer of or above the rank of Superintendent of Police may place a police officer of the rank of Sub-Inspector or below subordinate to him, under suspension:
 - (a) where a disciplinary proceeding for award of punishment against him is contemplated or is pending;

- (b) where in the opinion of the aforesaid authority, there is a *prima facie* case that such officer has engaged himself in activities prejudicial to the Security of State for which an enquiry is contemplated or pending; or
 - (c) where in the opinion of the aforesaid authority there is *prima facie* evidence in respect of any criminal offence under investigation, inquiry or trial.
- (2) Every order of suspension passed under this section shall be in writing, giving briefly the reasons.
 - (3) Where an officer is placed under suspension, whether in connection with a disciplinary proceeding or otherwise, and another disciplinary proceeding is ordered against him during the currency of that suspension, the authority competent to place him under suspension may, for reasons to be recorded in writing, direct that the officer shall continue to be under suspension until the completion of all or any of such proceedings.
 - (4) An order of suspension so made shall be reviewed every 90(ninety) days by a Review Committee to be constituted by the Director General of Police and may at any time be revoked or modified, *suo moto* or on a representation made by the officer under suspension, by the authority which made the order or by any authority to which such authority is subordinate, on the basis of recommendation of the suspension Review Committee.

93. Authority to suspend officers of subordinate ranks.-

Suspension orders of officers of subordinate rank shall be made only by police officers above or of the equivalent rank of Superintendent of Police.

94. Misconduct.-

A police officer shall, in addition to any other delinquent act or behaviour, as specified in the relevant rules, be liable for disciplinary action for any of the following misconduct:

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

95. Appeals against orders of punishment.-

An appeal against any order of punishment passed against an officer under Section 91 or any rules made there under, shall lie;-

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

96. Separate set of rules for police personnel.-

The State Government shall frame the Classification, Control and Appeals Rules for police personnel, which will, among other things, ensure timely disposal of disciplinary proceedings.

97. Police officers always on duty.-

- (1) 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.
- (2) The State Government shall, however, ensure the grant of at least one day off in a week to all police personnel or make provision of appropriate compensatory benefits in lieu of such weekly off, if under extraordinary situations the same cannot be granted to any of them.

98. No abdication or withdrawal without authority.-

No police officer shall abdicate his duties or withdraw himself 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.

99. Police officer barred from other employment.-

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

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Chapter - XII

Police Accountability

100. Accountability of Police.-

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.

Accountability for conduct

101. Police Accountability Commission.-

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

102. Composition of the Commission

The Commission shall have five members with a credible record of integrity and commitment to human rights and shall consist of:-

- (a) a retired High Court Judge **or a retired IPS officer of the level of DGP from another state cadre**, who shall be the Chairperson of the Commission;
- (b) a retired police officer, superannuated in the rank of **Deputy Inspector General of Police and above**;
- (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;
- (d) a person of repute and standing from the civil society; and
- (e) a retired officer with experience in public administration from another state:

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.

103. 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, or has so served in the twelve months preceding such appointment;
- (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 of 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 been framed by a court of law; or
- (j) is of unsound mind and has been so declared by a competent court

104. 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 103.
- (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.

105. Removal of members.-

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 misbehavior;
- (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 103; or
- (d) any member engaging himself during his term of office in any paid employment outside the duties of his office.

106. The 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, inter alia, on a contractual basis, through a transparent process.
- (4) The remuneration and other terms and conditions of service of the staff shall be as prescribed from time to time.

107. Conduct of business.-

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

108. Functions of the Commission.-

- (1) 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 the Indian Penal Code, 1860 (Act No 45 of 1860);
- (c) rape or attempt to commit rape; or
- (d) arrest or detention without due process of law.

Provided that the Commission shall inquire 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 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.
- (3) The Commission may monitor the status of departmental inquiries or departmental action on the complaints of “misconduct” against gazetted officers of and above the rank of Deputy/Assistant Superintendent of Police 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;

Explanation: “**Misconduct**” in this context shall mean any willful 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 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.

109. 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.
- (2) 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 (Act No 45 of 1860).

- (3) 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 (*Act No 45 of 1860*), is committed in the view or 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 of Criminal Procedure, 1973 (*Act No 2 of 1974*), 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 to him under Section 346 of the Code of Criminal Procedure, 1973 (*Act No 2 of 1974*).
- (4) Every proceeding before the Commission shall be deemed to be a judicial proceeding within the meanings of Sections 193 and 228, and for the purposes of Section 196 of the Indian Penal Code, 1860 (*Act No 45 of 1860*), the Commission shall be deemed to be a civil court for all the purposes of Section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 (*Act No 2 of 1974*).
- (5) 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.
- (6) 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.

110. 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 in 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.

111. 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.

112. 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. 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 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.

113. 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 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 in the budget session and shall be a public document, made easily 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 easily accessible to the public.

114. District Accountability Authority

- (1) The State Government may establish in each police district or a group of districts in a police range, a District-level Police Complaints Authority, named as District-level Police Accountability Authority to receive complaints of serious misconducts and misconducts against police personnel, as defined in Section 108 and take further action as provided in this Act.
- (2) The District Accountability Authority shall have three members with a credible record of integrity and commitment to human rights and the chair person shall be selected from amongst retired persons with judicial experience in the rank of District and Sessions Judge, a retired senior police officer and a person having legal background or a retired senior civil servant or an eminent person from the civil society as members.
- (3) The Chairperson and other members of the District Accountability Authorities will be appointed by the Government.
- (4) Vacancies in the Authority shall be filled up as soon as practicable, and in no case later than three months after the seat has been vacated.
- (5) In selecting members of the Authority, a transparent process shall be adopted.
- (6) The conditions of eligibility, term of office, terms and conditions of service, and conditions of removal from office for the Chairperson and members of the District Accountability Authorities will be the same as that of the Police Accountability Commission.
- (7) The District Accountability Authority shall be assisted by adequate legal and administrative staff with requisite skills and experience.
- (8) The staff shall be selected by the District Accountability Authority, *inter alia*, on a contractual basis, through a transparent process.
- (9) The remuneration and other terms and conditions of service of the staff shall be as prescribed from time to time.

115. Functions of District Accountability Authority,

- 1) The District Accountability Authority Shall :

- (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 under intimation to the Commission, for further action.

- (c) monitor the status of departmental inquiries or action on the complaints of 'misconduct' against officers below the rank of Assistant/Deputy Superintendent of Police, through a quarterly report obtained periodically from the District Superintendent of Police;
 - (d) 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;
 - (e) 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 issued under sub-section (d) above.
- (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;

116. Report of the District Accountability Authority.-

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 © 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.

117. Relationship between the Commission and District Authority.-

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

- (2) The District 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 105 read with Section 114(6) 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.

118. Rights of the complainant.-

- (1) The complainant may 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 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 has 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.

119. 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 and

to the District Accountability Authority all information they may reasonably require to perform their duties provided for in this Chapter.

120. Interference with the functioning of the Commission or the Authority.-

Whoever influences or interferes with the functioning of the Commission or the District Accountability Authority, 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 purposes of this Section.

121. Training.-

It shall be the duty of the Commission to ensure that all its Members, and other staff as well as Members of the District Accountability Authorities and their staffs 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

122. Protection of action in good faith.-

No suit or other legal proceeding shall lie against the State Government, the State Security Commission, its members and staff, the Police Accountability Commission, its members, staff or any person acting under the direction of the Commissions, 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.

123. Funding.-

The State Government shall ensure that adequate funds are provided to the Commission and the District Accountability Authorities for the effective performance of their functions and that the police shall not be required to provide any material or human resources to the Commission or the District Accountability Authorities for their smooth functioning.

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Chapter - XIII

Welfare and Grievance Redressal Mechanisms for Police Personnel

124. Welfare Board.-

- (1) There shall be a Police Welfare Board, (hereinafter referred to as 'Welfare Board') headed by an officer not below the rank of Deputy Inspector General of Police, in the office of the Director General of Police to advise and assist him in the implementation of welfare measures for police personnel.
- (2) The functions and duties of the Welfare Board shall, *inter alia*, include administration and monitoring of welfare measures for police personnel, such as:
 - (a) health care, particularly in respect of chronic and serious ailments, and including post-retirement health care schemes for police personnel and their dependents;
 - (b) full and liberal medical assistance to police personnel suffering injury in the course of performance of duty;
 - (c) financial security for the next of kin of those dying in harness;
 - (d) post-retirement financial security;
 - (e) group housing;
 - (f) education and career counseling and training in appropriate skills for dependents of police officers; and
 - (g) appropriate legal facilities for defense of police officers facing court proceedings in matters relating to *bonafide* discharge of duty.
- (3) The Welfare Board shall have as many members as prescribed, and shall comprise of representatives from all police ranks. It may also include other members in an advisory capacity. The members of the Welfare Board shall be nominated by the Director General of Police.
- (4) The Welfare Board shall lay down norms and policies relating to police welfare, and monitor welfare activities undertaken by various police units in the state.
- (5) The Welfare Board shall interact with other government departments, public sector undertakings and other organizations to facilitate gainful employment for retired police officers, and for the dependents of police personnel who have laid down their lives in due discharge of their duties.

- (6) A Police Welfare Fund, under the administration and control of the Welfare Board, shall be created for the welfare activities and programmes for police personnel, which will have two components:
 - (a) outright financial grant by the state; and
 - (b) matching grant by the state to the contributions made by the police personnel, towards the welfare fund.

125. Insurance cover, allowances and medical facilities.-

- (1) The State Government shall provide adequate insurance coverage for all police personnel against any injury, disability, or death caused in the course of performance of their duty.
- (2) Police officers posted in special wings, such as Counter-Terrorism Operations Units, Bomb Disposal Squads, Commando Groups etc. shall be paid risk allowance, commensurate with the risks involved in those duties.
- (3) In addition to facilities as may be made available in police hospitals for general treatment and specialized services, police personnel shall also be provided with a medical insurance cover that would enable them to keep up the required standards of health and physical fitness.
- (4) Facilities for stress management, including psychological counseling, to cope with professional stress, shall be given due attention in all police units and establishments.

126. Grievance Redressal.-

- (1) The Director General of Police, with the approval of the State Government shall put in place, a fair, transparent, and participatory grievance redressal mechanism for looking into individual as well as collective grievances of police personnel, which shall be freely received and channeled upwards from all levels of the organization.
- (2) The grievances that cannot be redressed by the said mechanism shall be forwarded to the State Security Commission, which in turn, shall make appropriate recommendations to the State Government for remedial measures.
- (3) An analysis of the grievances, their causes and their impact on the morale and efficiency of the Police Service shall be carried out annually. This analysis shall be included in the annual report of the State Security Commission.

127. Working hours.-

The State Government shall take effective steps to ensure that the average hours of duty of a police officer do not normally exceed eight hours a day:

Provided that in exceptional situations, the duty hours of a police officer may extend up to 12 hours or beyond. In such cases, adequate compensation and facilities shall be provided to the police personnel.

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Chapter - XIV

General Offences, Penalties, and Responsibilities

Order in streets and public places

128. 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 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. All orders and directions should be given within 48 hours of receipt of intimation, as far as possible.

129. 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 128, 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 (Act No 45 of 1860).

130. Regulation of the use of mike and other sound systems in public places.-

The District Superintendent of Police or any officer not below the rank of Assistant/Deputy Superintendent of Police may regulate the time and the volume at which mike 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.

131. Directions to keep order on public roads.-

- (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 141.

132. Penalty for disobeying orders or directions.-

Any person not obeying the lawful orders issued under Sections 128, 129 and 131 may be arrested and, on conviction by a court of law, shall be liable to a fine.

133. Power to reserve public places and erect barriers.-

- (1) The District Superintendent of Police may, by 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 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.

Offences against the police.

134. 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.

135. 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 of the distinctive marks of that uniform, shall, on conviction, be punished with imprisonment not exceeding six months or fine or both.

136. 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.

137. 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.

Offences by the police.

138. 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 (Act No 2 of 1974); 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 of 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 insubordination; or
- (d) engages himself or participates in any demonstration, procession or strike, or resorts to, or in any way abets any form of strike, or coerces or uses physical force to compel any authority to concede anything; or
- (e) is guilty of sexual harassment in the course of duty, whether towards other police officers or 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.

139. 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 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 misbehavior; 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.

140. Offences by the public.-

- (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 specially notified by the State Government or a Local 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 creating nuisance at any public place, and/or 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.

- (k) driving rashly and noisily any two wheeler during late evening and night on the public road/street.
- (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.

Procedural matters,

141. 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/Sub-Divisional Magistrate, at 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 public announcement system available 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.

142. Prosecution of police officers.-

Subject to Section 197 of the Code of Criminal Procedure, 1973 (Act no.2 of 1974), 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.

143. Prosecution for offences under other laws.-

Subject to the provisions contained in Section 300 of the Code of Criminal Procedure, 1973 (Act No 2 of 1974), 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.

144. Summary disposal of certain cases.-

- (1) A court taking cognizance of an offence punishable under Sections 132 and 140 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.

145. Recovery of penalties and fines imposed by Magistrates.-

Provisions of Sections 64 to 70 of the Indian Penal Code, 1860 (Act No 45 of 1860) and Sections 386 to 389 of the Code of Criminal Procedure, 1973 (Act No 2 of 1974) shall apply to penalties and fines imposed under this Act on conviction before a Magistrate :

Provided that notwithstanding contained in Section 65 of the Indian Penal Code, 1860, any person sentenced to fine under section 132 and 140 of this Chapter may be imprisoned in default of payment of such fine, for any period not exceeding eight days.

146. Limitation of actions.-

No court shall take cognizance of any offence under this Chapter after the expiry of the period of limitation as provided for in Section 468 of the Code of Criminal Procedure, 1973 (Act No 2 of 1974). For computing the limitation period, provisions of Chapter XXXVI of the Code of Criminal Procedure, 1973 (Act No 2 of 1974) shall apply.

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Chapter - XV

Miscellaneous

147. Powers of District Superintendent of Police to be exercised by Commissioner of Police.-

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 59 of Chapter VII, by the Commissioner of Police or any other officer authorized in this behalf.

148. Disposal of fees and rewards.-

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

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 for special services, be paid to a police officer, or be divided amongst two or more Police officers.

149. Method of proving orders and notifications.-

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

150. 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.

151. 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.

152. Public notices how to be given.-

Any public notice required to be given under any of the provisions of this Act shall be in writing under the signature of a competent authority and shall be published in the locality to be affected thereby, by affixing copies thereof in conspicuous public places, or by proclaiming the same through public announcement, or by advertising in local newspapers as the said authority may deem fit.

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.

153. 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 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.

154. Power to make rules.-

- (1) The Government may make rules for carrying out the purposes 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 Mizoram Legislative Assembly and shall, unless some later date is appointed, take effect from the date of their publication in the official Gazette.

155. 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 provisions 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 appropriate legislature.

156. Persons aggrieved may apply to State Government to annul, reverse or alter any rule or order.-

In the case of any rule or order made by the State Government under an authority conferred by this Act and requiring the public or a particular class of persons to

perform some duty or act, or to conduct or order themselves or those under their control in a manner therein described, it shall be competent to any aggrieved person to make a representation to the State Government to annul, reverse, or alter the aforesaid rule or order.

157. Repeal and saving.-

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

Sd/-
Secretary
Law & Judicial Deptt., PAD
Govt. of Mizoram.