



Government of Jammu and Kashmir  
Home Department

**NOTICE**

No. Home/PB-III/20/2013

Dated: 14.02.2013

Subject:- Draft Jammu and Kashmir Police Bill, 2013.

Pursuant to the judgement dated 22<sup>nd</sup> September, 2006 of the Hon'ble Supreme Court passed in writ petition (Civil) No.310 of 1996 titled Prakash Singh & others Vs Union of India & others relating to the Police Reforms, the draft Jammu and Kashmir Police Bill, 2013 has been prepared. The draft bill is hereby put in the public domain for inviting suggestions/comments from cross sections of society-general public, social organizations, NGOs, academicians and other stakeholders. The draft bill can be accessed by logging on to the website [www.jkhome.nic.in](http://www.jkhome.nic.in). All concerned may send their comments/suggestions, if any, to the Home Department either through post or through email ([home-jk@nic.in](mailto:home-jk@nic.in)) within a period of 15 days positively commencing from 15<sup>th</sup> February, 2013.

(Suresh Kumar)

Principal Secretary to the Government,  
Home Department

Copy to: -

1. Director Information, J&K with the request to give wide publicity to the notice through print and electronic media.
2. NIC, J&K for uploading the document in the website [www.jkhome.nic.in](http://www.jkhome.nic.in).

*Draft Jammu and Kashmir  
Police Bill, 2013*

*(Home Department)*

# JAMMU AND KASHMIR POLICE BILL, 2013

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## JAMMU & KASHMIR POLICE BILL, 2013

An Act to consolidate and amend the law relating to the establishment, regulation, powers and duties of the Police Service in the State of Jammu and Kashmir and for matters connected therewith and incidental thereto.

Preamble.- WHEREAS the Nation's founding faith is the primacy of the rule of law and the Police, as guardians of the law must promote the rule of law and render impartial and efficient service to the people with due respect for human rights as well as due concern for the security of the State and the Nation;

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

AND WHEREAS such functioning of the police personnel need to be professionally organised, service oriented, independent of 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 the 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;

NOW, THEREFORE, it has become imperative to codify and amend the Law relating to the establishment, regulation, powers and duties of Police Service in the State of Jammu and Kashmir;

BE, it enacted in the Sixty-third year of Republic of India as follows:-



## Chapter I DEFINITIONS AND INTERPRETATIONS

### Short title, Extent and Commencement

1. (1) This Act may be called the Jammu and Kashmir Police Act, 2013.
- (2) It extends to whole of the State of Jammu and Kashmir.
- (3) It shall come into force on such date as the Government may, notify in the official Gazette.

### 2. Definitions

- (1) In this Act, unless the context otherwise requires:
  - (i) “Act” means the Jammu and Kashmir Police Act, 2013 and herein referred to as Act.
  - (ii) “Administration” means the management of the Police Service in accordance with law, rules and regulations as may be framed by the Government from time to time.
  - (iii) “Cattle” include cows, buffaloes, elephants, camels, horses, asses, mules, sheep, goats and swine;
  - (iv) “City Police Commissionerate” means major urban areas notified as such by the Government in Official Gazette for the purpose of this Act;
  - (v) “Civil Society Committee” means a body registered under the Societies Registration Act, 1898 (1941 A.D) with a view to provide for Public-Police interface;
  - (vi) “Commissioner” means the Commissioner of Police appointed as such under section 60(i) of this Act;
  - (vii) “Competent authority” means the authority as may be prescribed;
  - (viii) “Criminal Justice Miscellaneous Expenses Fund” means Criminal Justice Miscellaneous Expenses fund constituted under section 143 of the Act;
  - (ix) “Criminal misconduct” means such misconduct which is an offence under any criminal law in force;
  - (x) “Director General of Police” means an officer appointed under section 54 (3) of the Act;
  - (xi) The words “District Magistrate” shall mean the Chief Officer charged with the executive administration of a district and exercising the powers of an Executive Magistrate, by whatever designation the Chief Officer charged with such executive administration is styled.

- The word “Magistrate” shall include all persons within the general Police District, exercising all or any of the powers of a Magistrate;
- (xii) “Government” means the Government of Jammu and Kashmir;
- (xiii) “Insurgency” means waging of armed struggle and includes aiding, abetting or attempting to wage such 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;
- (xiv) “Internal Security” means preservation of sovereignty and integrity of the State from disruptive and anti-national forces from within the State;
- (xv) “Militant Activities” include violent activities of a group using explosives, inflammable substances, fire arms or lethal weapons or hazardous substances in order to achieve its political objective;
- (xvi) “Misconduct” means an act or omission of a Police Officer which is prohibited under this Act or by the rules made thereunder or is not in accordance with the standard of conduct specified under this Act or is not in accordance with the role, functions or responsibilities cast on a Police Officer under this Act and shall also include:-
- a. disobedience of lawful orders;
  - b. neglect of duty;
  - c. failure to maintain absolute integrity;
  - d. insubordination or any oppressive act;
  - e. misuse of authority;
- (xvii) “Municipal area” means the area as defined in the Municipal laws and the rules;
- (xviii) “Notification” means a notification published under proper authority in the Official Gazette;
- (xix) “Organized Crime” means and includes any crime committed by a group or a network of persons in pursuance of its common intention for unlawful gain by using violent means or threat of violence;
- (xx) “Outsource” means procurement of work or services from or its entrustment to some other agency or persons, outside the police department;
- (xxi) “Place” includes any building, tent, booth, vehicle or other any construction, either permanent or temporary and any area including land, river, canal and atmosphere either enclosed or open;
- (xxii) “Place of public amusement and public entertainment” include such places as may be notified by the State Government;

- (xxiii) "Police Complaints Authorities" mean the authorities constituted under section 100 of this Act.
- (xxiv) "Police District" means the area as is notified under section 49 of this Act as distinct from a Revenue District;
- (xxv) "Police Officer" means any member of the Police Service of the State constituted under this Act and includes members of the Indian Police Service (IPS) either borne or on deputation to the State cadre;
- (xxvi) "Police Post" means a police post carved out of an area of a Police Station;
- (xxvii) "Police Range" means a geographical area, comprising two or more Police Districts, which may be notified as such from time to time by the Government in the official Gazette;
- (xxviii) "Police Welfare Fund" means the Jammu and Kashmir Police Welfare Fund established under section 80 (6) of the Act;
- (xxix) "Police Zone" means a geographical area of the State, comprising two or more Police Ranges, which may be notified as such from time to time by the Government in the official Gazette;
- (xxx) "Prescribed" means prescribed by rules made under this Act;
- (xxxi) "Property" includes money, valuable security and all properties either movable, immovable or digital;
- (xxxii) "Prosecution Cadre" means and shall include the officers to the Prosecution wing under section 58 of this Act;
- (xxxiii) "Public place" means any place to which the public have access and includes:-
- a. a public building, market, mall, train, bus, monument and precincts thereof; and
  - b. any place accessible to the public for drawing water, washing or bathing or for purposes of recreation, travel, food, restaurant, treatment, trade or for any other service;
- (xxxiv) "Regulations" mean regulations made under this Act;
- (xxxv) "Rules" means rules made under this Act;
- (xxxvi) "Section" means a section of this Act;
- (xxxvii) "State Security Commission" means the Commission constituted under section 67 of this Act;
- (xxxviii) "Serious Misconduct" shall mean any act or omission of a Police Officer that leads to or amounts to:-
- i. death in police custody ;
  - ii. grievous hurt, as defined in Section 320 of The Ranbir Penal Code, 1860;
  - iii. rape or attempt to rape;

- iv. arrest or detention without due process of law;
- v. wrongful deprivation of a person of his rightful ownership or possession of property by using force;
- (xxxix) "Service" means the Police Service constituted under Act;
- (xl) "Service Provider" means any person or agency or employee or person in-charge of such agency who provides any service to the public or any section thereof with or without collecting any payment and includes those who provide services such as phone, internet, computer, vehicle, food, water, finance, rent, pawning, hospital, laboratory, sanitation, repair, electricity, deposit, share, construction, security, trade, loan, fuel, rest, recreation and any such other agency which provides any service to the public on demand;
- (xli) "Special Cell" means a Police Investigation Unit, specially dealing with the crime of particular type, like cyber crime, crime against women and children, crime related to non- resident Indians, economic offences and crime against Scheduled Castes etc;
- (xlii) "Standing Order" means a special or general order issued by the Government or by the Director General of Police in conformity with the provisions of this Act and the rules made thereunder;
- (xliii) "Street" includes any highway, bridge, way, causeway, road, lane, footpath, square, courtyard, garden, path, channel or passage etc. accessible to the public whether or not it is a thoroughfare;
- (xliv) "Subordinate ranks" mean all ranks below the rank of Assistant Superintendent of Police or Deputy Superintendent of Police or equivalent ranks;
- (xlv) "Terrorist Act" means an act committed, aided, instigated or abetted by an individual or group or network of people with an intent to threaten the unity, integrity, security or sovereignty of India or to strike terror in the people or any section of the people in India or in any foreign country, by using bombs, dynamite or other explosive substances or inflammable substances or firearms or other lethal weapons or poisons or noxious gases or other chemicals or by any other substances (whether biological or otherwise) of a hazardous nature, in such a manner as to cause, or likely to cause, death of, or injuries to any person or persons of loss of, or damage to, or destruction of, property or disruption of any supplies or services essential to the life of the community in India or in any foreign country or to cause damage or destruction of any property or equipment used or intended to be used for the defence of India or in connection with any other purposes of the

Government of India, any State Government or any of their agencies, or to detain any person and threaten to kill or injure such person in order to compel the Government in India or the Government of a foreign country of any other persons to do or abstain from doing any act.

- (xlvi) "Traffic" means any kind of movement of persons, animals, vehicles, vessels or goods along any public place and includes the disposition of vehicles, living things and static objects either temporary or permanent situated in or near any such place affecting in any manner such movement, individually or collectively, of any component among them;
  - (xlvii) The word "he" wherever used in the Act shall mean and include the word "she" as the case may be;
  - (xlviii) "Vehicle" means any means of transport which carries any person, animal or object and includes a carriage, cart, van, truck, handcart, boat, motor boat, bicycle, tricycle, rickshaw, motor vehicle, vessel or aeroplane;
- (2) Words and expressions used in this Act but not defined specifically shall have the same meaning as assigned to these in The Code of Criminal Procedure, Svt. 1989 (1933 A.D); The Ranbir Penal Code Svt. 1989 (1933 A.D) and the General Clauses Act, Svt 1977 (1920 A.D).

## Chapter II

### DUTIES, RESPONSIBILITIES AND FUNCTIONS OF POLICE

#### 3. Duties of Police

The Police Service functioning among the people as a part of the administrative system shall, subject to the Constitution of India and the Constitution of the State and the laws enacted thereunder, strive in accordance with the law, to ensure that all persons enjoy the freedoms and rights available under the law by ensuring peace and order, integrity of the nation, security of the State and protection of human rights.

#### 4. Functions of the Police

Subject to the provisions of this Act, the Police Officers shall perform the following functions, namely:-

- (a) enforce the law impartially;
- (b) protect the life, liberty, property, human rights and dignity of all persons in accordance with the law;
- (c) protect the internal security of the nation and act vigilantly against extremist activities, communal violence, insurgency, etc;
- (d) promote public security and maintain public peace;
- (e) protect the public from danger and nuisance;
- (f) protect all public properties including roads, railways, bridges, vital installations and establishments;
- (g) prevent and reduce crimes by exercising lawful powers to the maximum extent;
- (h) take action to bring the offenders to the due process of law by lawfully investigating crimes;
- (i) control and regulate traffic at all public places where there is movement of people and goods;
- (j) strive to prevent and resolve disputes and conflicts which may result in crimes;
- (k) provide all reasonable help to persons affected by natural or man-made disaster, calamity or accident;
- (l) collect, examine and, if necessary, disseminate information in support of all activities of the police and in the maintenance of security of the State;
- (m) ensure protection and security of all persons in custody in accordance with law;



- (n) obey and execute lawfully all lawful commands of competent authorities and official superiors;
- (o) uphold and maintain the standards of internal discipline;
- (p) instill a sense of security among people in general;
- (q) take charge of and ensure the security of persons, especially women and children found helpless and without support in any public place or street;
- (r) discharge any duties prescribed by any law for the time being in force;
- (s) accurately register all complaints brought to them by a complainant or his representative, in person or received by post, email or other means, and take prompt follow up of action thereon, after duly acknowledging the receipt of the complaint;
- (t) 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;
- (u) take charge of all unclaimed property and take action as per rules;
- (v) prevent and control public nuisance;
- (w) create and maintain a feeling of security in the community, and as far as possible prevent conflicts and promote amity; and
- (x) discharge such other functions as may be lawfully assigned to them by the Government, from time to time.

##### **5. Social Responsibilities of the Police**

Every Police Officer shall:

- a) exhibit courtesy, propriety and compassion appropriate to the occasion and use polite and decent language while dealing with members of the public particularly senior citizens, women and children.
- b) guide and assist members of the public, particularly senior citizens, women, children, the poor and indigent and the physically or mentally challenged individuals, who are found in hapless condition in 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 sections, especially during conflict between communities, classes, castes and political groups, the conduct of the police is always governed by the principles of impartiality and protection of human rights, 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) arrange for legally permissible sustenance and shelter to every person in custody and making known to all such persons provisions of legal aid scheme available from the Government and also inform the authorities concerned in this regard.
- g) not misbehave or use indecent language to anyone in their care;
- h) ensure that they themselves appear in public place in good physical grooming and are not in a sloppy or unclean or untidy state, unless the same is caused by the diligent performance of any duty at that time.

#### **6. Duty of a Police Officer**

It shall be the duty of every Police Officer to undertake all reasonable and lawful activities for the efficient and effective discharge of duties specified under this Act or any other law for the time being in force; and to exercise all the powers as are necessary in order to maintain public order.

#### **7. Response of a Police Officer**

Every Police Officer on duty shall remain in a state of mental and physical alertness and respond as quickly as practically possible to any situation or event that comes to his notice in respect of which Police is lawfully required to act.

#### **8. 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 complete or convenient effect to the law or for avoiding any infringement thereof.



**9. Police Officers to maintain good health**

- (1) All Police Officers shall maintain good physical and mental health.
- (2) The Director General of Police may, subject to any direction that may be issued by the Government in this regard, specify the standards of physical and mental efficiency to be maintained by a Police Officer, by giving due consideration to age, gender, nature of duties and the general standards prevalent in the society.
- (3) No Police Officer shall be discriminated by reason of failure in maintaining physical health standard according to the standards specified under sub-section (2) due to any injury or the circumstances faced in the discharge of duty or chronic ailment:

Provided that subject to the norms and procedures prescribed by the Government, a person who is physically and mentally unfit to discharge Police duties shall be discharged from Service.

- (4) The Government shall, subject to resources, provide special arrangements for giving incentives and infrastructure facilities for the promotion of physical and mental health among members of the Service.

**10. Police to keep information confidential**

- (1) All information collected by the police in respect of the activities of any individual or institution, in the course of discharge of their duties shall be kept confidential except for using such information for any official purpose(s).

**Explanation: -** The official purpose(s) shall mean and include publication of the said information for the detection of or prevention of crimes.

- (2) No person in custody shall be paraded or allowed to be photographed and no press conference shall be conducted without the permission of the Director General of Police for the purpose of publishing the same in the newspaper or telecasting in any visual media.

**11. Police may keep audio or video or electronic records**

The Police may make and keep audio or video or electronic records of any activity performed by them during the discharge of their duties and such records may be used in any proceedings in which the correctness of Police action is called into question.



**12. How to make complaints to the police**

Subject to the provisions of the Code of Criminal Procedure Svt. 1989, a complaint to the Police may be made orally or in writing or by gestures or by signals or by digital or electronic means and the concerned Police Officer is bound to take appropriate legal action thereon.

**13. Personal details for identification to be furnished on demand**

(1) Every person shall furnish personal details for his identification if so required by a Police Officer on sufficient reasons.

(2) Such Police Officer may take appropriate and reasonable steps for establishing the identity of a person and for this purpose, he may create and prepare such personal identification records as may be appropriate for each circumstance.

(3) No person shall, by reason of the authority under this section, be arrested or kept in custody or subjected to any restriction on movement in any manner, merely on the ground that the details of identity furnished by such person need to be verified.

(4) All Police Officers exercising authority under this section shall wear identity badge or card in such a manner as to be visible to others and show such official identity record on demand by any person.

**14. Police to interfere for preventing offence**

(1) Any Police Officer shall lawfully interfere to prevent and stop to the best of his ability any on going offence or an offence likely to take place in his presence or vicinity and for this purpose, he may lawfully demand and accept the services of any able-bodied adult person in the place and no person shall disobey, without reasonable cause, the lawful and reasonable directions so given by the said Officer present at the place.

(2) No Police Officer shall arrest or remove a person solely on the ground that he disobeyed such directions. Moreover, no legal proceedings shall be initiated against such person without the prior permission of the District Superintendent of Police, on the ground that he failed to render the services sought for.

**15. Police action in offences requiring special authorisation**

(1) A Police Officer, who is not authorised by rank or jurisdiction under any special law to arrest any person or seize any object involved in a cognizable offence, may keep that person or object for a maximum period of six hours so as to render it possible for another legally competent Police Officer or authority to come and take lawful action.

(2) The authority under sub-section (1) shall be used by a Police Officer only in circumstances where there is a reasonable possibility that the accused is likely to escape or that evidence may be destroyed due to the absence of competent officer or authority, unless he acts as such.

(3) A Police Officer acting as such shall, subject to legal practicability, in the presence of competent witnesses available, keep the person or the object at a place which is reasonable, suitable and appropriate under that special circumstance.

**16. Maintenance of law and order and prevention of danger**

(1) In order to prevent serious disorder or breach of peace and imminent danger to persons assembled at any place, any Police Officer present at such a place having jurisdiction may give such lawful directions in respect of the conduct of persons at such places as he considers necessary and all persons shall be bound to comply with such directions.

(2) Any Police Officer shall, for giving effect to the provisions of sub-section (1), have free entry in every public place including private establishments where members of the public are present.

**17. Police uniform to be distinctive, exclusive and easily identifiable**

(1) The Director General of Police may, with the prior approval of the Government, specify the uniform of all ranks and categories of Police Officers keeping in view the need that such uniform shall be distinctive, exclusive and easily identifiable.

(2) The Director General of Police may specify the occasions and the manner of wearing the uniform and the duties for which uniforms are to be compulsorily worn, optionally worn or not worn.

(3) A Police Officer shall always maintain his uniform neatly, properly, suitably and in a state of good repair.

(4) No person other than a Police Officer discharging official purpose shall, except for artistic or scientific purpose, wear any police uniform or any dress which is likely to give a feeling that it is a police uniform.

(5) An officer authorised by the Director General of Police shall decide, on the basis of the observation, whether a particular dress worn by a person creates such an impression that person wearing such dress is a Police Officer when the person wearing such a dress is standing at a distance of twenty five meters.

#### **18. Police duty vehicles to be distinctive, exclusive and identifiable**

(1) The Director General of Police may, with the prior approval of the Government, specify the colour, markings, equipments and accessories to be fitted to every police duty vehicle keeping in view the need that such vehicles shall be distinctive, exclusive and easily identifiable.

Provided that the aforesaid provisions will not be applicable to the police vehicles engaged in intelligence gathering and anti-militancy operations.

(2) All police duty vehicles with such specified appearance shall respond to any emergency call for help from any person and be used for giving police assistance which is reasonable and appropriate to the occasion unless it is engaged in some other emergent or important duty at that time.

(3) No person, other than a Police Officer acting for official purpose shall keep, except for artistic or scientific purpose, any vehicle in such a condition as to create an impression that the said vehicle is a police vehicle and an Officer authorised by the Director General of Police may decide whether a particular vehicle creates such an impression that such vehicle appears like a police duty vehicle to an ordinary observer standing at a distance of hundred meters away from the vehicle.

#### **19. Custody of insane persons, drunkards and persons with illness**

(1) The Police may take into protective custody any person who is found incapable of looking after himself due to insanity, lunacy, use of intoxicating substances or otherwise.

(2) For the protection of the interest of the person taken into such protective custody, a medical institution may be requested to keep such person under observation or for treatment for a period not exceeding 24 hours if such

an emergent action is necessary and the authorities of such institution shall be bound to comply with such request.

(3) If any Magistrate competent under any existing law to decide on the treatment and custody of such person, the fact thereof shall be informed to such Magistrate without any delay and further action shall be taken in accordance with the order of the Magistrate.

## **20. Medical examination of the accused**

Any qualified medical practitioner shall be bound to conduct medical examination of an accused or suspect person who is produced before him by a Police Officer for medical examination on the request of such officer.

## **21. Medical treatment of the accused**

(1) All hospitals shall render sufficient facilities as far as possible under the circumstances for the treatment of persons in Police custody under adequate police surveillance and observation.

(2) Hospital authorities, on requisition by Police shall be bound to produce copy of all medical records relating to the treatment of such persons.

(3) Any person admitted initially to a private hospital in an emergency shall be shifted to a nearby Government hospital at the earliest with the permission of the doctor who examined his medical condition.

(4) The copy of the report of the medical examination and treatment of a person in police custody shall be given on the request of the accused or their relatives.

## **22. Action in respect of injury of those in police custody**

When any person is taken into police custody in a physically injured condition or any person who is physically injured due to the use of force by a Police Officer, complains about his physical injury or the matter of sustaining injury comes to the notice of the Police Officer, such person shall be taken to the nearest qualified medical practitioner and the medical practitioner shall seek and understand about the injury and the reason thereof and record the same and shall render necessary treatment;

Provided that if such person is medically fit to be taken before a Magistrate, he shall be produced by the Station House Officer before the Judicial Magistrate



having jurisdiction or before an Executive Magistrate if it is outside the jurisdiction of such Judicial Magistrate and the said Magistrate shall seek and understand details of the injured in respect of the matter in which the injury was caused;

Provided further that if the injured person is not in a condition to be produced before a Magistrate, the details of the incident and circumstances shall be furnished forthwith by the Station House Officer to such Magistrate and a copy of the said report shall be given to the Medical Officer and the injured and proper acknowledgement shall be obtained from them in writing.

**23. Service providers to maintain records**

All service providers, belonging to such categories as may be notified for the purpose by the Government from time to time, shall maintain accurate records in respect of the identity of persons to whom they have provided services along with the details of the nature of service provided and all such records shall be kept for such periods as may be fixed by the Government.

**24. Service providers to give information to Police**

(1) All service providers who render any service shall, on demand by a Police Officer in the course of discharge of official duties, furnish the details and records of any particular service or different services provided by such service providers, which are connected with any enquiry being conducted in accordance with law.

(2) Such records, description and information shall be furnished, as expeditiously as possible, within the reasonable time limit fixed by the requisitioning Police Officer concerned.

**25. Verification of antecedents of service providers**

The Government may, by notification, direct that service providers of any type of service or of any area shall, before they start providing any service to the public, obtain a police verification certificate from the District Superintendent of Police or such other Police authority as may be specified in respect of themselves and their employees and shall furnish, in the circumstances of each service, such reasonable and necessary information to the Police about their contemporary and past activities as may be reasonably

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necessary and also direct that they shall be subjected to such repeated verification after such periods as may be specified:

Provided that the information so obtained from a service provider, other than the information which is necessary to be used for preventing or investigating a crime or for any public purpose shall be kept confidential and shall not be disclosed to any person or to the public.

## **26. Service Providers to report on stolen or lost articles**

(1) Any Police Officer may deliver to any service provider, a list of any articles lost or stolen or required to be located by reason of any crime, with available details of their identification.

(2) If any such article comes to the notice of such service providers thereafter, he shall seek and ascertain the name and address of the person in the possession of such article and after detaining the property, immediately report such situation to the nearest police station.

(3) The service provider under sub-section (1) may also detain any person in the possession of such articles for a period not exceeding three hours until the Police arrives, if he has sufficient reason to believe that such person is not giving his correct address.

## **27. Police to attempt to locate missing persons**

(1) Whenever a Station House Officer receives any information from which he reasonably suspects that any person is missing and there are circumstances to believe that such person is:

- (a) in danger or not under the protection of lawful guardianship; or
- (b) may be subjected to some dangerous offence ; or
- (c) absconding himself to prevent someone from implementing a lawful right declared by any court,

such officer shall register the information in a manner similar to the procedure prescribed for a cognizable offence and take immediate action to locate the missing person.

## **28. Police to give certificates of non-involvement in offences**

The District Superintendent of Police or the Station House Officer may, on the application of any person, give a certificate to the effect that such

person is not involved in any offence after suitable enquiries and after realising such charges as may be fixed by the Government in this regard.

**29. Police to give security advice**

Any District Superintendent of Police on receiving any information that at any place within his jurisdiction very valuable movable properties are kept or that any place of public importance is facing grave security threat, then he may, on his own motion in consultation with the person or persons in charge of such place, cause a suitable security inspection and on the basis of such inspection, the persons in charge of the premises may be directed to take necessary security precautions:

Provided that nothing in this section shall be deemed to compel any person to do or not to do an act which he was otherwise not compelled.

**30. Police to regulate and control traffic**

A Police Officer on duty may, for avoiding disorder, obstruction and danger, regulate and control traffic in any public place and for that purpose, give reasonable directions to all concerned who shall be bound to obey such directions.

**31. Security for private individuals and private Institutions**

(1) Any private individual or Institution or group of private persons who perceives a threat to his personal security may seek cover from the State Police by means of an application addressed to the District Superintendent of Police specifying the nature of the security threat;

(2) The District Superintendent of Police shall forward the application to a Committee set up for the purpose by the Director General of Police. The Committee, may after verifying the security threat and assessing the quantum and kind of security cover called for, and further subject to the availability of the resources required, recommend to the Director General of Police such security cover as may be feasible on payment of the charges or otherwise, as may be prescribed under rules;

(3) The District Superintendent of Police shall act on the decisions taken by the Director General of Police on the recommendations of the Committee.



### **32. Community Policing**

- (1) The District Superintendent of Police shall constitute Civil Society Committees for each police station, comprising the local residents of the area not exceeding thirty in number as representatives of the community, to give general assistance to the Police in the discharge of their duty.
- (2) The Civil Society Committees shall have a fair representation of all categories of the society including persons from service, professional sectors, women and persons belonging to the Scheduled Caste and the Scheduled Tribe communities under the jurisdiction of the police station.
- (3) No person who has been sentenced to imprisonment by a criminal court or any person who has been charged by a competent court of law of any offence or who has been dismissed, removed, discharged or compulsorily retired from any employment on grounds of corruption, moral turpitude or misconduct in the preceding five years shall be nominated as a member of the Civil Society Committee.
- (4) The Civil Society Committee shall identify the existing and emerging needs for Police services of common nature in the area which needs due consideration by Police and also to develop action plans for ensuring the security of the area or any part thereof.
- (5) The Civil Society Committee shall meet as frequently as may be required.
- (6) The general public of the area may also participate in the meetings of the Committee.
- (7) The Civil Society Committee shall encourage every citizen to bring to the notice of the police information about the offences which have already taken place and the possibility for the re-occurrence of such offences.
- (8) The Civil Society Committee may form sub-committees for any specific purpose or for particular areas or for the specific functions.
- (9) The Civil Society Committee may formulate programmes for promoting security awareness, safety awareness, prevention of crimes and legal literacy, etc.
- (10) The Civil Society Committee shall not exercise any lawful authority of Police Service such as investigation of crimes or maintenance of law and order.

### **33. Rewards to Police and Informers**

Rewards payable by law to informers shall, when the information is given by a Police Officer, be credited to the State Government, but reward

payable by Law for arrest shall, when the arrest is made by a Police Officer, be paid to such officer/officials.

**34. Reward to general public**

The District Superintendent of Police may, subject to the Government orders and instructions, reward the general public for excellent services rendered or for providing information for the prevention of offence or for the investigation of crime or for the maintenance of law and order or security or traffic safety.

**35. Actions on the occasion of fire, disaster or accident**

(1) On the occasion of a fire, disaster or accident any Police Officer or any member of the Fire and Emergency Services or any Magistrate or in the absence of any such person, any public servant may perform the following functions, namely:-

- (a) remove or order to remove those causing hindrance in the rescue and relief operations for protecting life or property;
- (b) close any street or passage, public or private, needed for the purpose of rescue and relief operations;
- (c) enter, open, break open, or allow passage of any hose pipe or other equipments by himself or by those acting under his orders in any premise, public or private, needed for the purpose of rescue and relief operations for protecting life and property;
- (d) take such appropriate and reasonable immediate steps as may be deemed necessary and reasonable for the protection of life and property;
- (e) require equipments or other things, public or private, needed for the protection of life and property and those in possession of such articles shall give the same.

(2) Any damage caused in pursuance of the directions given under sub-section (1) shall be deemed to be a damage by fire, disaster or accident etc eligible for insurance coverage within the meaning of any insurance policy against fire, disaster or accident, etc.

(3) Nothing in this section shall exempt any Police Officer or any member of the Fire and Emergency Services or any Magistrate or public servant from the liability for damages caused on account of any acts done by him without reasonable grounds.

**36. Police equipment to be exempted from licensing**

The Government may exempt any equipment or articles in official use, held under the ownership of the Police department for the purpose of discharging any of its functions, from the conditions of obtaining a license for the same under any law or from the payment of any annual fee or license fee to any governmental agency or public authority.



**THE POLICE STATION**

**37. Establishment of Police Stations**

(1) The Government may, on the recommendations of the Director General of Police create by notification in the Official Gazette, as many Police Stations with as many Police Posts as may be necessary, in a Police District, keeping in view the population, the area, the crime situation, the workload in terms of law and order and the distance to be traversed by the inhabitants to reach the Police Station.

(2) A Police Officer of such rank as may be fixed by the Government and designated as the Station House Officer shall be the officer in charge of the Police and shall supervise the functioning of the Police Station.

(3) The area of jurisdiction of every police station shall be divided into various beats and sufficient beat patrols shall be provided to each beat area for beat patrols on permanent basis.

**38. Government to provide sufficient facilities at Police Stations**

(1) The Government shall, subject to the availability of resources, ensure that every Police Station has adequate manpower and infrastructure facilities to provide basic police services to all who need the same.

(2) The facilities under sub-section (1) shall include sufficient infrastructure for all police personnel deployed to the police station to discharge their duties efficiently, reception area for public with adequate facilities, sufficient storage space for the safe keeping of articles in custody, official records and official arms and ammunition, sufficient facilities for the safe custody of the accused and those in custody, proper communication facilities and sufficient mobility and sufficient equipment including security equipment, electronic devices, arms and forensic equipments to discharge adequately the lawful responsibilities entrusted to the officers of the Police Station.

(3) The Director General of Police shall arrange to review annually the adequacy of facilities available in every police station in the State and take steps to establish facilities which conform to the prescribed standard/norms.

### **39. Rights of the public at a Police Station**

- (1) Subject to reasonable practicality, all persons shall have the right to receive lawful services from a police station and for peaceful entry and reception at any time at any Police Station.
- (2) Any member of the public shall, subject to reasonable restrictions, have the right to meet the officer in charge of a Police Station and to give information on matters and this right shall not be denied without sufficient reasons.
- (3) Every police station shall have the facility for women to submit complaints with privacy in the presence of women police.
- (4) Every complainant shall have the right to receive a receipt acknowledging the complaint given by him and to know the stage of the police action or investigation in respect of the complaint.
- (5) The substance of any complaint made orally or in writing by any member of the public in a police station shall be entered in a chronologically and contemporaneously maintained permanent register kept in the Police Station.

### **40. Expenses for persons in custody**

The Government shall provide to each Police Station a sum proportionate to the number of persons in custody every month and the period of their custody at the existing Government rate of half the minimum daily wages for unskilled labour for giving food, water and other primary needs of every person in custody.

### **41. Police stations to be always functional**

Every police station shall always be functional for the performance of Police duty and alert for those who need the police services.

### **42. Display of Information**

Every 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.



Provided that the information shall be displayed in such manner as the Director General of Police may by general or special Standing Order specify from time to time and subject to such Standing Orders, the Inspector General of Police within his Zone, the Deputy-Inspector General of Police within his Range, and the Superintendent of Police within the District may prescribe in this behalf from time to time.

#### **43. Special Police Station**

- (1) The Government may on the recommendation of the Director General of Police establish Special Police Station(s) in any area for any particular period or for any particular purpose or for enforcement of any particular law or laws in addition to the police stations notified for any area under section 38;
- (2) The buildings in which such special police stations are located, their area, jurisdiction, purpose, period etc shall be notified in the manner specified under section 38;
- (3) Nothing contained in sub- sections (1) and (2) shall be deemed to prevent the Government from establishing a Special Police Station in a mobile vehicle or in any temporary office;
- (4) Any action taken by a regular police station shall not be invalidated on the ground that it was a matter which could have been entrusted to a special police station;
- (5) Each Special Police Station shall be so named as to denote its special purpose and special nature;
- (6) The Director General of Police may, by special order, exempt the Station House Officer of a Special Police Station from any responsibility associated with a regular police station and may also entrust him with additional or special responsibilities or responsibilities which are not assigned to the Station House Officer of a regular police station.

#### **44. Police Station Diary**

Every police station shall keep a General Diary in such a form as may be prescribed by the Government on the recommendation of the Director General of Police from time to time and record therein the substance of all complaints made, First Information Reports, charges, the names and details of complainants, opposite parties and all arrested persons, the details in respect of the offences charged against them and the properties including weapons that may have been seized from their possession or otherwise.

**45. Persons competent to verify the station diary and custodial facility**

(1) The Chairperson and Members of the State Human Rights Commission or the State or District Police Complaints Authorities may on the basis of a duly verified complaint regarding a person kept in police custody enter in a Police Station and verify the condition of the said person and check the entries in the General Diary made in this regard.

(2) Any person visiting the police station under sub-section (1) shall make a contemporaneous record of his visit in the diary and also communicate as soon as possible to the District Superintendent of Police, the summary of his observations and the District Superintendent of Police shall take, as soon as possible, further actions as may be necessary on such observations.





**Chapter IV**  
**CONSTITUTION AND ORGANIZATION OF POLICE SERVICE**

**46. Constitution of Police Service**

There shall be one Police Service for the State, constituted by the Government under this Act and it may be divided into as many Units or Sub-Units or Wings on the basis of geographical convenience or functional requirement or any special purpose as may be decided by the Government from time to time.

**47. Police Officer liable to serve anywhere**

Notwithstanding anything contained in any law or any of the provisions of this Act, members of the Police Service shall be liable for posting anywhere within or outside the State or to any Unit or Sub-Unit as may be ordered by the Competent Authority.

**48. Organization and composition of the Police Service**

(1) Subject to the limit that there being no rank higher than that of the Director General of Police, in the State Police Service, the officers of various ranks, as may be fixed by the Government from time to time, shall be included in the ascending order, and shall be as follows:-

- (a) Constable;
- (b) Selection Grade Constable;
- (c) Head Constable;
- (d) Assistant Sub-Inspector of Police;
- (e) Sub-Inspector of Police;
- (f) Inspector of Police;
- (g) Deputy Superintendent of Police/Assistant Superintendent of Police ;
- (h) Selection Grade Deputy Superintendent of Police;
- (i) Superintendent of Police;
- (j) Superintendent of Police (Selection Grade);
- (k) Senior Superintendent of Police;
- (l) Deputy Inspector General of Police;
- (m) Inspector General of Police;
- (n) Additional Director General of Police;
- (o) Director General of Police.



(2) The Government may, by general or special order, specify that any other phrases used to denote any Police rank either in the State Police or in any other State or Central Government shall be deemed to be equivalent to anyone among the above ranks.

(3) Nothing contained in sub-section (2) shall be deemed to affect the power of the Government from creating a new rank or in giving a new designation to a rank specified therein.

(4) The officers of subordinate ranks of Executive Police, Armed Police, Auxiliary Police and Technical and Support services shall form separate wings.

(5) The direct recruitment to the rank of Deputy Superintendents of Police in the Service shall be made by the Government on the recommendations of the Jammu and Kashmir Public Service Commission.

(6) The direct recruitment to various subordinate ranks in the Police Service shall be made on the recommendation of the Police Recruitment Board constituted by the Director General of Police as per rules to be framed by the Government.

(7) All the vacancies in the sub-ordinate ranks shall be referred to the Police Recruitment Board in the month of January and July of every calendar year.

Provided that the Government may order conduct of special police recruitment drive(s) through the Police Recruitment Board enabling greater representation in Police Service from the far-flung, border and under represented areas as may be notified by the Government.

(8) Notwithstanding any provision contained in the Act, the compassionate appointments in the Service shall be made in accordance with the Jammu and Kashmir Compassionate Appointment Rules, 1994 as amended from time to time.

(9) The Government shall provide for employment opportunities to women in the Service and may provide for separate physical standards for their recruitment.

(10) Promotions to various subordinate ranks in the Service shall be made in accordance with rules as may be framed by the Government from time to time.

(11) The pay, allowances, service conditions, of the members of the Police Service shall be such as may be prescribed by the Government from time to time.

**49. Police Districts**

The Government may on the recommendation of the Director General of Police by notification, declare from such date as may be specified in the notification, any area in the State as a Police District for the purposes of this Act:

Provided that in one Police District, areas of more than one revenue District shall not be included.

**50 District Superintendent of Police**

(1) The police and the police stations of a Police District shall, subject to such orders as may be issued by the Government and subject to the supervision and lawful command of the Director General of Police, function under the supervision and control of a District Superintendent of Police of such rank as may be fixed by the Government and Police Officers of such rank as may be fixed by the Government shall assist him in the matter.

(2) The administration of the police in a District shall vest in District Superintendent of Police.

(3) The District Superintendent of Police shall not be an officer lower in rank than that of a Superintendent of Police.

**51. Sub-Divisions**

The Government may on the recommendation of the Director General of Police, by notification in the official Gazette divide each police district into as many Sub-Divisions as deemed necessary, to be headed by an officer of the rank of Assistant Superintendent of Police or Deputy Superintendent of Police.

**52. Special Cells in Police District**

The Government may on the recommendation of the Director General of Police create by notification in the Official Gazette, one or more Special cells in each Police District, to be headed by an officer not below the rank of Inspector to deal with a particular category of crime or providing better service to the community at large including victims of crime.

**53. Term of office of key Police Functionaries**

(1) An Officer posted as Inspector General of Police of a Zone or Police Commissioner of a city or Deputy Inspector General of Police of a Range or Superintendent of Police of a District or Sub-Divisional Police Officer or Deputy Superintendent of Police in-charge of a sub-division or a Station House Officer in a Police Station shall have a minimum tenure of two years subject to his superannuation. However, any such officer may be transferred from his post before the expiry of the minimum prescribed tenure consequent upon:

- a. promotion; or
- b. conviction or charges having been framed by a court of law in 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 and Appeal Rules; or
- d. suspension from the service in accordance with the provisions of the rules; or
- e. incapacitation by physical or mental illness or otherwise becoming unable to discharge his functions and duties; of

(2) In exceptional cases, an officer may be transferred from his post by the competent authority before the expiry of his tenure for gross inefficiency – or negligence or where a prima facie case of a serious misconduct is made out after a preliminary enquiry.

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

**54. Director General of Police**

(1) The administration, supervision, direction and control of the Police in the State shall, subject to the over all control of the Government, vest in an officer designated as the Director General of Police.



(2) It shall be the responsibility of the Director General of Police to operationalise and implement the policies of the Government, including maintenance of law and order, and security.

(3) The Director General of Police shall be appointed by the Government from amongst the three senior-most officers of the State Cadre of the Indian Police Service on the recommendations of a Screening Committee headed by the Chief Secretary.

Provided that in case the Government comes to the conclusion, for reasons to be recorded in writing, that there is no suitable incumbent available in the State Cadre, it may ask the Screening Committee to assess the suitability of empanelled IPS Officers of other State Cadre(s) subject to the willingness of the Officer and the concurrence of the Central and the concerned State Government;

(4) No officer senior to the Director General of Police shall be appointed in the Jammu and Kashmir Police Service.

**55. Term of office of the Director General**

The Government shall ensure a minimum tenure of two years for the Director General of Police subject to his superannuation.

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 19- or any other relevant rule; or
- (c) suspension from service in accordance with the provisions of the said rules; or
- (d) incapacitation by physical or mental illness or otherwise becoming unable to discharge his functions as the Director General of Police; or
- (e) promotion to a higher post under either the State or the Central Government, subject to the officer's consent to such a posting.

**56. Appointment to various scales in the Police Department.**

(1) The Government may on the recommendations of the Screening Committee headed by the Chief Secretary, J&K appoint one or more officers equivalent to the rank of Director General(s) of Police.

(2) The Government may on the recommendations of the Screening Committee appoint officers to the ranks/grade of Additional Director Generals (HAG), Inspector(s) General (Supertime scale-ii), Deputy Inspector(s) General of Police (Supertime scale-i) and such other officers as is mandated to the Screening Committee under IPS (Pay) Rules, 2007 read with IPS Promotion Guidelines.

**57. Officers holding charge of or Succeeding to vacancies competent to exercise powers**

Whenever any post either of Commissioner of Police or other Police Officer(s) falls vacant on account of promotion, superannuation or otherwise, the officer assigned charge or adjusted against the said post shall be competent to exercise all the powers and perform duties attached to the said post.

**58. Prosecution Wing**

(1) The Government may on the recommendation of the Director General of Police, appoint a Director Prosecution from the Prosecution Wing of the Police Department to aid and advise the Director General of Police on all legal matters.

(2) Director Prosecution shall be assisted by adequate number of Joint Directors, Deputy Directors of Prosecution, Chief Prosecuting Officers, Senior Prosecuting Officers and Prosecuting Officers.

(3) The Director General of Police shall post adequate number of Prosecutors upto the level of Chief Prosecuting Officers in every police unit, City Police Commissionerate and Criminal Courts of law, to conduct Prosecution and to advise the Police on legal issues.

(4) Appointment of officers under sub-sections (2) and (3) shall be made in such manner as may be prescribed under rules.

(5) All gazetted officers of the Prosecution Wing shall be ex-officio Public Prosecutors in terms of section 492 of the Code of Criminal Procedure.

## 59. Special Wings, Units, Branches, Squads

(1) The Government may, in order to assist the Director General of Police or other Police functionaries or District Superintendents of Police or to assist the police in general in their duties and functions, by general or special order, create and maintain any Wing or Special Unit, Specialized Branch or Special Squad, etc. of such strength, internal units, powers, duties, jurisdiction and internal or external supervisory structure as may be fixed by the Government.

(2) The Government may create units or make special arrangements inter alia, for the following matters, namely: -

- (a) collection of intelligence directly or indirectly affecting National Security, security of the State, maintenance of law and order, maintenance of public safety, prevention of crime, security of vital installations and individuals facing grave threats from terrorists or extremists;
- (b) investigation of complicated, heinous, sensational or important crimes;
- (c) traffic control;
- (d) police service for the protection of tourists and pilgrims;
- (e) police service for the Railways;
- (f) collection, collation, indexing and analysis of data and intelligence relating to crime and criminals and the functioning of a Bureau of Missing Persons;
- (g) Juvenile Police Units for the special protection of children who reach the Police Station either as accused or as victims of crime.
- (h) helping Police offices and officers in selecting, using and utilizing computers and other digital services and developing software necessary for the purpose;
- (i) maintenance of the telecommunication and digital communication networks for Police purposes;
- (j) identification of individuals and objects by means of fingerprints, photography or any digital or biometric technique;
- (k) maintaining a well-trained reserve Service named as Armed/India Reserve Police, Auxiliary Police and District Armed Reserve Police with proper chain of command for maintenance of law and order, disaster management, escort of prisoners, as well as to discharge such other duties which may require special weapons and tactical teams. The constitution, recruitment, training, deployment and administration of reserve Service shall be as per rules made under this Act;



- (l) specialised response units like control rooms equipped to respond to crime, calamity or accident etc;
  - (m) enforcement of any local or special law or special enforcement of law in any area;
  - (n) digital and cyber policing;
  - (o) forensic support services for effectively assisting in the duties and functions of the police;
  - (p) administrative support services for Police functioning in terms of processing of matters of administration, finance and documentation;
  - (q) general support services necessary to help in the functioning of Police institutions and offices of various types and to discharge essential functions like cleaning, grooming, cooking, maintenance of equipments and areas etc;
  - (r) studies, research and development support for various policing related social and professional matters and for the development of modern Police services and preventive investigative techniques etc.
- (3) The Government shall equip these units and arrange necessary training to officers to enable such units to function at a high level of technical and professional competence.
- (4) The Units constituted under sub-section (1) may consist of Police Officers of designated ranks or non-police personnel or both as may be specified by the Government and the Government may prescribe their conditions of service, special allowances payable to them, special qualifications and skills necessary and special facilities to be made available to them individually or collectively.

**60. Administration of Police in Municipal Areas, major Urban Areas and other Notified areas**

The Government may on the recommendations of Director General of Police establish by notification in the official Gazette, for each of the major Urban areas as may be notified for the purpose from time to time, a police system which is capable of handling the typical complex problems of crime, public order and Internal Security in Urban areas, which call for quick and comprehensive response emanating from purposeful direction, unitary chain of command, professional competence, functional specialization, and legal authority coupled with accountability as follows: -

- i. The Government may appoint a Police Officer not below the rank of Deputy Inspector General of Police to be Commissioner for any area

- specified in a notification issued by the Government in this behalf and published in the official gazette;
- ii. The Commissioner shall exercise such powers, perform such functions and duties and shall have such responsibilities and authority as are provided by or under this Act or as may otherwise be directed by the Government by a general or special order;
- Provided that any of these powers, functions, or duties, exercised or performed by the Commissioner, shall be subject to the overall control and direction of the Director General of Police.
- Provided further that in any area for which a Commissioner is appointed and is empowered to exercise any power or perform any function or duty under this Act or any other Act, the District Magistrate shall not exercise the same power or perform the same function or duty notwithstanding the fact that such area forms part of a District within the territorial jurisdiction of the District Magistrate.

**61. Creation of police Zones & Ranges**

- (i) The Government may on the recommendations of Director General of Police, by notification in the official Gazette, divide the entire geographical area of the State into one or more police zones and each zone, comprising two or more police ranges, shall be headed by an officer of the rank of Inspector General of Police.
- (ii) The Government may on the recommendations of Director General of Police, by notification in the official Gazette, divide the entire geographical area of the police zone into one or more police ranges and each range, comprising two or more Police Districts, shall be headed by an officer of the rank of Deputy Inspector General of Police who shall supervise the police administration of the range and report to the Inspector General of Police of the Zone in the jurisdiction of which the Range falls.

**62. Village Defence Committees**

- (1) Subject to the approval of the Government, the Director General of Police may constitute as many Village Defence Committees as he may deem necessary and District Superintendent of Police engage members thereof on voluntary basis for the protection of life and property of the inhabitants of that particular Village.
- (2) The members of such Village Defence Committees may also be issued suitable arms and ammunition of prescribed specifications.



**63. Special Police Officers**

(1) Subject to the approval of the Government, the Director General of Police or any other officer authorised in this behalf by the Government, in consultation with the Director General of Police, may engage temporarily, any able-bodied and willing person to be a Special Police Officer to assist the police on such terms and conditions as may be prescribed by the Government from time to time.

Provided a Special Police Officer shall be liable for disengagement on the grounds of indiscipline, misconduct or failure to discharge the duties lawfully assigned to him.



**Chapter V**  
**TRAINING AND CAPACITY BUILDING**

**64. Training Policy**

- (1) The Government shall in consultation with the Director General of Police, evolve a Training Policy for the officers of the Service, aimed 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 keeping in view the current and anticipated requirements of policing.

**65. Police Training Institutes**

- (1) The Government may on the recommendations of the Director General of Police establish a Police Training Academy at the State level and as many Police Training Colleges and Police Training Schools as may be 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 other general and specialized in-service training courses for police personnel of different ranks and categories as may be required from time to time.
- (2) No member of the Service shall be deployed on duty or promoted to any higher rank without undergoing and passing the requisite basic/pre-promotion training as prescribed under rules.
- (3) The Government shall post adequate number of officers from the service, or may bring on deputation officers from paramilitary/armed forces or other professional organizations in such Police Training Academy, College and School, after careful selection having due regard to their aptitude, academic qualifications, professional competence, experience and integrity.
- (4) The Government may evolve a scheme of monetary and other incentives to attract and retain the best talent in the faculties of such training institutions from the Police Service.
- (5) There shall be a Research wing in the Police Training Academy to undertake research and analysis on subjects which are relevant to professional and efficient functioning of the Police Organization.

**Chapter VI**  
**SUPERINTENDENCE AND ADMINISTRATION OF POLICE**

**66. Superintendence of State Police**

The superintendence of State Police shall vest in and be exercised by the Government in accordance with the provisions of this Act, and or any other law for the time being in force.

**67. State Security Commission**

The 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 Act.

**68. Composition of State Security Commission**

(1) The Commission shall comprise the following:

- a. Chief Minister as Chairperson;
- b. Home Minister/MOS (Home) as Vice-Chairperson;  
Provided that if there is no Home Minister/MOS(Home), then the Chief Minister may nominate any other Minister as the Vice-Chairperson;
- c. a retired High Court Judge nominated by the Chief Justice of the High Court – member;
- d. Chief Secretary – ex-officio - member;
- e. Administrative Secretary to Government, Home Department – ex-officio - member;
- f. Director General of Police - ex-officio – member secretary;
- g. three non-official members, one of whom shall be a woman (hereinafter referred to as Independent Members) who shall be persons of eminence in public life with wide knowledge and experience in maintenance of law and order, administration, human rights, law, social service, management of public administration to be nominated by the Government on the recommendations of a Selection Committee constituted by the Government for this purpose.

(2) The Commission shall regulate its own procedure and the conduct of the business transacted by it.

**69. Quorum**

Half of the members present shall constitute the quorum for a meeting.

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**70. Eligibility for Independent Members**

No person shall be appointed as an independent member of the Commission if he:

- a. is not a citizen of India;
- b. is not at least a graduate from a recognized university;
- c. has been convicted by a court of law or against whom charges have been framed in a court of law;
- d. has been dismissed or removed from service or compulsorily retired on the ground of corruption or misconduct;
- e. is of unsound mind; and
- f. holds an elected office including that of the Member of Parliament or the State Legislature or a Local Body or the Panchayati Raj Institution or is an office bearer of any Political Party or any organization connected with a Political Party.

**71. Terms of office of Independent Member**

A person shall be appointed as an independent member of the Commission for a period of three years and shall be eligible for re-appointment for another term of three years only.

**72. Removal of Independent Member**

(1) The Government may remove an independent member from the Commission on any of the following grounds:

- a. proven incompetence or misbehaviour;
- b. incapacitation by reasons of physical or mental infirmity or otherwise becoming unable to discharge his functions as a member;
- c. if he is absent without sufficient cause for more than three consecutive meetings;
- d. if he incurs ineligibility on any of the grounds specified under section 70;
- e. provided that no member shall be removed under the provisions of this sub-section except after giving him a reasonable opportunity to show cause against such removal.

(2) An independent member of the Commission may resign his office by giving notice in writing of his intention to do so to the Chairman and on such resignation being accepted, he shall be deemed to have vacated his office.

**73. Functions of the State Security Commission**

- (1) The Commission shall perform the following functions, namely:
- (a) aid and advise the Government in discharge of its functions and responsibilities under this Act;
  - (b) Review the security scenario and define and lay down areas of concern and priority;
  - (c) frame board policy guidelines for promoting efficient, effective, responsive and accountable policing in accordance with the law;
  - (d) identify and prescribe performance indicators to evaluate the functioning of the Service which may, inter alia include operational efficiency public satisfaction, victim satisfaction, viz-a-viz police investigation and response, accountability, optimum utilization of resources and observance of human rights standards and
  - (e) review and evaluate organizational performance of the Service in the State as a whole and in each District against the performance indicators taking into account the resources available and the constraints on performance.
- (2) The Commission may meet at such intervals as it may deem fit provided the gap between the two meetings shall not be more than six months.
- (3) The proceedings of the Commission shall not be invalid merely by reason of any vacancy in the Commission. However, the quorum shall be maintained.
- (4) The Commission shall, at the end of each year, present to the Government a report on its work during the preceding year and also on the evaluation of performance of the service.

**74. Government to place Annual Report of the State Security Commission**

The Government shall lay the Annual Report of the Commission before the State Legislature in the budget session.

**75. Expenses of the State Security Commission**

The expenses on account of remuneration, allowances and travel in connection with official business of the Commission, in respect of the independent members of the Commission shall be borne by the Government in accordance with prescribed rules and procedures.

**76. Evaluation of Police Performance**

(1) The Commission shall, every year appoint a panel of three experts, familiar with the functioning of the Police or public administration or sociological or criminological studies, to review and evaluate the performance of the Police in the previous financial year and to suggest the performance standards for the succeeding financial year which may be communicated to the concerned in the month of March before the commencement of the next financial year.

(2) The members of the panel appointed under sub-section (1) shall not be continued as members continuously for more than two terms.

**77. Police Establishment Board**

(1) The Government may 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 Police officers serving in the cadre as members.

(2) The Government may, by order, direct the term of office of the members of the Board, procedure for the working of the Board and norms to be followed by the Board in the discharge of its responsibilities.

**78. Functions of Police Establishment Board**

(1) The Board shall discharge the following functions:

(a) make appropriate recommendations to the State Government on the transfers and postings of officers of and above the rank of Superintendent of Police and equivalent levels except the Director General of Police.

(b) recommend to the Director General of Police names of the officers of and upto the rank of Deputy Superintendent of Police or equivalent levels for posting and transfers.



(c) decide on complaints and appeals in respect of service matters like transfers, promotions, etc. of Police Officers of and upto the rank Deputy Superintendent of Police and equivalent levels and make appropriate recommendations;

(d) any other function as may be assigned to the Board by the Government from time to time.

(2) The Director General of Police may give due consideration to the recommendations of the Board.

(3) The Government may, for good and sufficient reason(s) modify or annul any recommendation of the Establishment Board.

### **79. Re-dressal of complaints of subordinates**

The Establishment Board shall nominate an officer of the rank of Deputy Superintendent of Police in each district who shall set apart one day in a week to hear and receive complaints from Police Officers of and upto the rank of Inspector. After examining the complaint, he shall make necessary recommendations to the District Superintendent of Police. If the matter is beyond the jurisdiction of the District Superintendent of Police, latter shall submit the same alongwith his recommendations to the Establishment Board for appropriate action.

### **80. Police Welfare Board**

(1) There shall be a Police Welfare Board in the Police Service under the Chairmanship of an officer not below the rank of an Additional Director General of Police to aid and advise the Director General of Police on matters related to the welfare of police personnel and their implementation.

(2) The Board shall fix the policies and norms in respect of the welfare of the police and supervise the welfare activities of the various police units.

(3) The functions and duties of the Police Welfare Board shall, inter-alia, include administration and monitoring of Welfare measures for Police Personnel, such as: -

(a) health care schemes particularly for those affected with chronic and serious ailments and retired Police Officers and their dependents;

(b) quick and liberal medical assistance to Police Officers injured while on duty;

(c) financial assistance to the legal heirs of those who die in harness;

- (d) financial assistance to the needy Police Officers after their retirement;
- (e) group housing constructions and group credit facilities;
- (f) schemes useful for mitigating the mental stress of Police Officers;
- (g) educational facilities for the dependents of Police Officers;
- (h) engaging legal facilities for effectively defending the Police Officers who are facing legal proceedings directly relating to the lawful performance of duties or due to animosity which arose from the performance of such duty.

(4) The Board shall consist of such number of advisory members as may be fixed by the Director General of Police but not exceeding ten and they shall be nominated by the Director General of Police from different ranks in the Police Service for a period of two years.

(5) The 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 shall be constituted under the control and administration of the Board for the implementation of the welfare activities and schemes for Police Officers and the amount from the following sources shall be credited to the Fund, namely:

- (a) financial assistance from Government and other types of deposits and loans granted by the Government;
- (b) contribution from Police Officers;
- (c) operational profit from institutions or programmes conducted as part of welfare activities.

(7) The Police Welfare Fund shall be subjected to annual audit as may be prescribed by the Government from time to time.

**Chapter VII**  
**POLICING IN THE CONTEXT OF PUBLIC ORDER AND**  
**INTERNAL SECURITY CHALLENGES**

**81. Internal Security Scheme**

- (1) The Director General of Police shall, with the approval of the Government, draw up an Internal Security Scheme for the entire State and for each of the District and Urban Area as notified under section 60, to deal with the problems of Public Order and Security specific to the area.
- (2) The Internal Security Scheme so formulated shall be reviewed annually and more than once, if required, and will incorporate regularly updated 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.
- (3) The Internal Security Scheme will, as far as possible, cover all major problems, the areas prone to or which can otherwise be anticipated in the whole or any part thereof, including the security of any establishment or installation related to the critical infrastructure, if any, located in the area.
- (4) Any organisation or group, while taking up any activity or programme which is otherwise lawful but has the potential of disturbing the law and order, shall inform the police, and thereupon, the police shall take such measures as may be deemed necessary.

**82. Creation of Special Security Zones - Powers to declare areas to be Special Security Zones**

The Government may, by notification, declare any area as a Special Security Zone, when such area is widely and intolerably beset with violence or insurgency or destruction of public property on account of communal or terrorist or anti-national activities.

**83. Police Structure**

The Government on the recommendations of the Director General of Police may create an appropriate police structure and a suitable command, control and response system, for each Special Security Zone.



**84. Functioning of different Wings**

The Government, in order to ensure coordinated functioning of different wings of the administration, may set up, in each Special Security Zone, a suitable administrative structure which shall integrate administrative and developmental measures in the area with the police response to deal with the problems of public order and security.

**85. Banning and Regulation of certain devices and substances**

The Government may, in consultation with the Director General of Police, and for reasons to be recorded in writing, ban or regulate the production, sale, storage, possession or entry of any devices or equipment or any explosive, poisonous, chemical, biological or radioactive articles or substances or any inflow of funds, in a Special Security Zone, if the use of such devices or equipment or any explosive or poisonous chemical biological or radioactive articles or substances, or any inflow of funds, in a Special Security Zone, is reasonably considered a threat to internal security or public order in the area, in any manner.

**86. Standard Operating Procedure**

The Director General of Police shall, with the prior approval of the Government, issue orders laying down Standard Operating Procedure to be followed by the Police in a Special Security Zone.

**Chapter VIII**  
**EFFECTIVE CRIME INVESTIGATION**

**87. Separation of investigation from law and order**

(1) The Government may on the recommendations of the Director General of Police and having regard to the population of an area or the circumstances prevailing in an area, by order, separate the investigating Police from the law and order Police in such area as may be specified in order to ensure speedy, effective and professional investigation.

(2) The District Superintendent of Police shall ensure efficient and effective co-ordination between the two wings of the Police separated under sub-section (1).

**88. Investigation of Special Crimes**

The Government on the recommendations of the Director General of Police by notification, create, in crime prone Districts under the direct supervision of the concerned District Superintendent of Police, a specialized crime investigation unit, headed by an officer not below the rank of Deputy Superintendent of Police with an appropriate strength of officers and staff, for investigating economic and heinous crimes such as murder, kidnapping, rape, dacoity, robbery, dowry, narcotics related offences, serious cases of cheating, misappropriation and such other offences as may be notified by the Director General of Police. The personnel posted to this unit shall not be detailed for any other duty, except with the written permission of the Director General of Police.

**89. Selection of Officers**

The officers posted in special crime investigation units shall be selected on the basis of their aptitude, professional competence and integrity. Their professional skills shall be upgraded, from time to time, through specialized training.

**90. Legal and Forensic Advice**

Necessary legal and forensic aid may be made available to the Investigating Officer during investigation.



**Chapter IX**  
**SERVICE CONDITIONS, CONTROL AND DISCIPLINE**

**91. Police Manual**

(1) Subject to the approval of the Government, the Director General of Police may, from time to time, issue, compile, modify, amend or annul standing orders and guidelines, consistent with this Act and the rules made there under, generally for the efficient discharge of all Police duties and functions and specially for the supervision and administration of the Police Service, the special duties of the members of each rank or of each cadre of the Police Service, internal system of inspection, records to be maintained, arms, equipments, objects necessary for the execution of duties, collection and communication of intelligence and information, the manner of performance of duties and the manner of prevention of abuse of power and the failure in the performance of duties and other matter incidental thereto.

(2) The compilation of such orders and guidelines issued by the Director General of Police, and of any orders and directions issued by the Government in respect of the same shall be known as the Police Manual.

**92. Police Officer to be always on duty**

Every Police Officer shall be considered to be always on duty and may at any time be deployed in any part of the State or outside the State.

**93. Abdication of duties**

(1) No Police Officer shall abdicate his duties or withdraw himself from his place of posting or deployment, without proper authorization.

(2) A Police Officer who fails to report back for duty on the expiry of the authorized leave without reasonable cause shall be deemed, to have withdrawn himself from the duties of his office.

**94. Employment in Office of profit**

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

**95. An act to be performance of duty or not**

(1) On the occasion of considering whether any financial assistance, legal assistance or other facilities shall be given to a Police Officer in respect of any



legal proceedings or treatment or in respect of welfare matters connected with the performance of duties and it is to decide whether:

- (a) the action of a Police Officer was as part of the performance of his official duty; or
  - (b) the act happened due to circumstances connected with the lawful performance of official duties by a Police Officer or as a result of animosity arising out of police actions done by that officer or other Police Officers; or
  - (c) the injury sustained by a Police Officer during the performance of official duties; or
  - (d) the injury or loss sustained by a Police Officer was a consequence of the animosity arising out of the lawful performance of official duties by that Police Officer or other Police Officers.
- (2) The Director General of Police may on an application filed by the concerned Police Officer, after conducting a suitable enquiry arrive at a decision in respect of granting financial assistance or legal assistance or other facilities to that Police Officer:

Provided that the Government may re-examine such a decision, if there is sufficient reason to do so, and take an appropriate decision finally.

**96. Restrictions regarding right to form association, freedom of speech**

- (1) No member of the Service shall, without the prior sanction of the Government:
- a. be a member of, or be associated in any way with, any trade union, labour union, political association;
  - b. be a member of, or be associated in any way with, any other society, institution, association, or organization that is not recognized as part of any class of trade unions labour unions or political associations;
  - c. communicate with the press or publish or cause to be published any book, letter or other documents except where such communication or publication is in the bona fide discharge of his duties or is of a purely literary, artistic, scientific character or is of a prescribed nature.

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(2) No member of the Service shall participate in, or address, any meeting or take part in any demonstration organized by any body of persons for any political purpose or for such other purposes as may be prescribed by the Government from time to time.

**Explanation:-** If any question arises as to whether any society, institution association or organization is of a purely social, recreational or religious nature under clause (b) of this sub-section, the decision of the Government, there on, shall be final.

**97. Initiation and Conduct of Disciplinary Proceedings**

The Government shall frame rules governing the institution and conduct of disciplinary proceedings, suspension and imposition of penalties upon the members of the Service excluding the officers borne on the State Cadre of the Indian Police Service.

**98. Deployment of a Police Officer outside the State**

Subject to any order which the Central Government may make in this regard, a member of the Police Service of the State may discharge the functions of a Police Officer in any part of any other State and shall, while so discharging such functions, be deemed to be a member of the Police Service of that State and be vested with the powers, functions and privileges and be subject to the liabilities of a Police Officer belonging to the Police Service of that State.

**99. Extension of disciplinary laws of State to member of service when serving outside State**

Where any detachment of the Police Service of the Jammu and Kashmir State is serving in any other State/ union territory, whether independently or by being attached to the Police Service of that State/ union territory, then every member of the said detachment, while discharging the functions of a Police Officer in that State/ union territory shall continue to be subject to the same law in respect of discipline as would have been applicable to him, if he had been discharging those functions within the State of Jammu and Kashmir.

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**Chapter X**  
**POLICE COMPLAINTS AUTHORITIES**

**100. Constitution of Police Complaints Authorities**

The Government shall within six months of the coming into force of this Act constitute a State Police Complaints Authority and District Police Complaints Authorities for each District or for a group of Districts to examine and enquire into complaint(s) of Misconduct/ Serious Misconduct against the Police Officers.

**101. Composition of State Police Complaints Authority**

The State Police Complaints Authority shall consist of the following:

- (a) a retired High Court Judge, who shall be the Chairperson of the Authority;
- (b) a retired officer not below the rank of Principal Secretary to the Government - Member;
- (c) a retired officer not below the rank of Additional Director General of Police - Member;
- (d) two persons from a panel of five members with a minimum of 20 years experience as a Judicial Officer, Public Prosecutor, Practising Advocate, Professor of Law or a person of eminence from civil society, of whom one shall be a woman, on the recommendations of a Selection Committee constituted by the Government for the purpose.

**102. Appointment of Chairperson**

The Chairperson, State Police Complaints Authority/District Police Complaints Authorities shall be appointed by the Government in consultation with the Chief Justice of the State.

**103. Conditions of eligibility**

No person shall be appointed as a Chairperson or a member of the State/District Police Complaints Authority if he-

- a. is of seventy years age;
- b. holds any elected office, including that of member of Parliament or State Legislature or any local body;
- c. is an office bearer or a member of any political party;



- d. is facing prosecution for any offence involving moral turpitude or for offence punishable with imprisonment of one year or more;
- e. is of unsound mind and has been so declared by a competent court.

**104. Term of office and conditions of service of Chairperson**

(1) The term of office of the Chairperson and the Members 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) Chairperson and Members shall be eligible for reappointment on the expiry of term provided that no Chairperson 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 Chairperson and Members shall be as notified by the Government from time to time and shall not be varied to their disadvantage after appointment.

**105. Removal of Chairperson and Members of the State Police Complaints Authority**

Any member of the Authority including the Chairperson may be removed by the Government on the recommendations of the authority on the grounds of: -

- a. proven misconduct or misbehaviour;
- b. persistent neglect to perform duties;
- c. occurrence of any situation that would make him ineligible for appointment under section 103;
- d. engaging himself during his term of office in any paid employment outside the duties of his office; or
- e. incapacitation by reasons of physical or mental infirmity or otherwise becoming unable to discharge his functions as a Member.

**106. Supporting staff of the Authority**

(1) The State/District Police Complaints Authorities shall be assisted by adequate staff with requisite skill, to be provided by the Government for efficient discharge of functions mandated to them.



(2) The remuneration and other terms and conditions of service of the staff shall be such as may be prescribed by the Government.

**107. Functions of the State Police Complaints Authority**

(1) The State Police Complaints Authority shall inquire into allegations of serious misconduct against police personnel on a complaint received from any one of the following: -

- a. a victim or any person on his behalf on a sworn affidavit;
- b. the National or State Human Rights Commission;
- c. the complaints of serious misconduct received and forwarded by the District Police Complaints Authorities.

Provided further that no anonymous, or pseudonymous complaints shall be entertained.

(2) The State Police Complaints Authority may monitor the status of Departmental Enquiries or departmental action on the complaints of serious misconduct against the police officers through a quarterly report obtained periodically from the Home Department and issue appropriate advice to the Home Department for expeditious completion of inquiry, if in the Complaints Authority's opinion, the departmental inquiry or departmental action is getting unduly delayed in any such case.

(3) The State Police Complaints Authority 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 Home Department, if the complaint is against the officer of the rank of Deputy Superintendent of Police or above and to the Director General of Police in respect of Officers of and below the rank of Assistant Superintendent of Police/Deputy Superintendent of Police when a complainant, being dissatisfied by the out come of, or inordinate delay in the process of departmental inquiry into his complaint of misconduct/serious misconduct by any Police Officer, brings such a matter to the notice of the State Police Complaints Authority.

(4) The State Police Complaints Authority may lay down general guidelines for the State Police to prevent misconduct/serious misconduct on the part of police personnel.



**108. Powers of State Police Complaints Authority**

(1) The State Police Complaints Authority shall, in the matter of conducting inquiries, have all the powers of a Civil Court trying a suit under the Code of Civil Procedure, Svt. 1977 (1922 A.D) and particularly in respect of the following:

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of any document;
- (c) receiving evidence on affidavit; and
- (d) any other matter as may be prescribed.

(2) The State Police Complaints Authority shall have the powers to advise the Government on measures to ensure protection of witnesses or victims and their families who might face any threat or harassment for making the complaint or furnishing evidence.

(3) The State Police Complaints Authority may visit any police station, lockup or any other place of detention used by the police and, if it thinks fit, it may be accompanied by a Police Officer.

(4) All concerned officers shall be bound to carry out the recommendations given by the Authority in respect of matters of initiation of Departmental Enquiry and /or registration of criminal case against a Police Officer.

**109. Statements made to the State Police Complaints Authority**

No statement made by a person in the course of giving evidence before the State Police Complaints Authority shall subject that person to a Civil or Criminal proceeding or be used against him in such a proceeding except a prosecution for giving false evidence if the statement: -

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

Provided that on conclusion of the inquiry, if the Complaints Authority is satisfied that the complaint was vexatious, frivolous or malafide, it may impose such fine as deemed appropriate on the complainant.



**110. Persons likely to be prejudicially affected to be heard**

If at any stage of the inquiry, the State Police Complaints Authority 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.

**111. Decisions and Direction of the State Police Complaints Authority**

(1) The State Police Complaints Authority upon completion of the inquiry communicate its findings to the Director General of Police and the State Government with the 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 and such direction of the State Complaints Authority shall be binding.

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

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

**112. Reports of the State Police Complaints Authority**

(1) The State Police Complaints Authority shall prepare an annual report at the end of each calendar year, inter alia containing:

- (a) the number and type of cases of Misconduct / Serious Misconduct inquired into by it;
- (b) the number and type of cases of Misconduct / Serious 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 from the District Police Complaints Authorities, and the manner in which they were dealt with;
  - (e) the identifiable patterns of Misconduct/Serious Misconduct on the part of police personnel in the State; and
  - (f) recommendations on the measures to enhance police accountability.
- (2) The annual report of the State Police Complaints Authority shall be laid before the State Legislature.
- (3) The State Police Complaints Authority may also prepare special reports with respect to specific cases directly inquired into by it.

**113. District Police Complaints Authority**

- (1) The Government shall constitute in a Police District or a group of Districts in a Police Range a District Police Complaints Authority to examine and enquire into the complaints of misconduct against Police Officers in the District(s).
- (2) The District Police Complaints Authority shall consist of the following:
- (i) a retired District Judge - Chairperson;
  - (ii) the District Magistrate; ex officio – member;
  - (iii) a person with a minimum of 10 years of experience as a Judicial Officer, Public Prosecutor, Practising Advocate, Professor of Law or a member from civil society to be nominated by the Government on the recommendations of a Selection Committee constituted for the purpose.

Provided that the Chairperson of one District Authority may be appointed as the Chairperson of more than one District Authority.

- (3) The conditions of appointment eligibility, term of office, terms and conditions of service, and conditions of removal from office for the Chairperson of the District Police Complaints Authority will be the same as provided in sections 102, 103, 104 and 105.

**114. Functions of District Police Complaints Authority**

- (1) The District Police Complaints Authority shall: -
- (a) forward the complaints of “serious misconduct” received by it to the State Police Complaints Authority;
  - (b) examine and forward for further action the complaints of “misconduct” received directly by it, to the concerned District Superintendent of Police:  
*Provided that* if the complaint contains allegations against any Police Officer of or above the rank of Superintendent of Police, the District Police Complaints Authority shall forward the same to the Director General of Police under intimation to the State Police Complaints Authority for further action;
  - (c) monitor the status of departmental inquiries or action on the complaints of “misconduct” against officers below the rank of Superintendent of Police, through a quarterly report obtained 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 State Police Complaints Authority where departmental enquiry into “misconduct” is not concluded within a reasonable time by the police department in spite of the Authority’s advice(s) to the District Superintendent of Police.
- (2) The Authority may also, in respect of complaints of “misconduct” against an officer below the rank of 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;

**115. Report of the District Police Complaints Authority**

- (1) Each District Police Complaints Authority shall prepare and submit to the State Police Complaints Authority 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 State Police Complaints

Authority and the District Superintendents of Police respectively, during the year;

- (b) the number and types of cases monitored by it during the year;
- (c) the number and types of cases of “misconduct” referred to it by the complainants upon being dissatisfied by the departmental inquiry into his complaint;
- (d) the number and types of cases referred to in (c) above in which advice or direction was issued by it to the police for further action; and
- (e) recommendation on measures to enhance police accountability.

#### **116. Relationship between the State and District Police Complaints Authority**

(1) The State Police Complaints Authority shall supervise and issue suitable directions to the District Police Complaints Authorities for their proper functioning.

(2) The District Police Complaints Authorities will assist the State Police Complaints Authority for the proper discharge of its functions.

#### **117. Rights of the complainant**

(1) The victim or any person on his behalf, on a sworn affidavit, may file his complaint relating to any “misconduct” or “serious misconduct” on the part of police officer either with the State Police Complaints Authority or with the District Police Complaints Authority.

(2) The complainant shall have a right to be informed of the progress of the inquiry from time to time by the inquiring 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.

(3) 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.

(4) All hearings shall be conducted in a language intelligible to the complainant.

(5) If on 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 State Police Complaints Authority or the District Police Complaints Authority for appropriate directions.

**118. Procedure to be followed by the Complaints Authorities**

(1) The Police Complaints Authorities shall take immediate steps on the complaints coming before it for their consideration.

(2) The Police Complaints Authorities may require any officer to do any of the following matters where it is convinced that there is merit in a complaint which came before it for consideration and such officer shall carry out the same: -

- (a) to question and record the statement of any witness;
- (b) to trace, examine and seize any relevant records;
- (c) to conduct any inspection or test in which the said officer has authority or competence or expertise;
- (d) to render such reasonable assistance taking into account the nature of each complaint.

(3) Complaints Authority may call for a report from the Police or Government in respect of important matters in a complaint which is under its consideration.

(4) In connection with the inquiry being conducted by the Complaints Authority, the Police Officer concerned may be permitted to produce evidence to depose directly and to cross examine witnesses on occasions suitable and practicable.

**119. Protection of action taken in good faith**

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

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**120. Limitation on entertaining Complaints**

No complaint shall be entertained by the State/District Police. Complaints Authority if the same is made after a period of six months of the occurrence of the incident.



## Chapter XI

### REGULATIONS OF PUBLIC ASSEMBLIES, PROCESSIONS AND TRAFFIC

#### 121. District Magistrate to make regulations

(1) The District Magistrate may in consultation with the District Superintendent of Police make and notify regulations, from time to time, in any local area, as he deems fit, for the following purposes, namely:

- (a) preventing any activity, damaging, defiling or destroying the public property, or endangering public hygiene or environment or defiling water bodies and water sources;
- (b) preventing the dumping of any material in any public place other than at such times and places specified by the competent authority including the Local Self-Government;
- (c) controlling the movement, not in conformity with regulations specified in this regard, of any waste or hazardous materials through public streets and to or from houses and buildings on public streets, in order to ensure necessary hygiene;
- (d) regulating the exposure or movement in any street of persons or animals suffering from contagious or infectious diseases, the carcasses of animals or human beings, or parts of such carcasses or waste from abattoirs or deadly biological or chemical products;
- (e) regulating the construction, repair and demolition of buildings, platforms and other structures which may endanger the users of any street or public place;
- (f) formulating and regulating the steps for co-ordination among Departments and between the Police and such Departments before undertaking any work on the streets for purposes such as provision for electricity, water, sewage, exchange of information, communication, removal, repairs, advertising, digging, separation etc. in a manner affecting the traffic, prior to commencement of such work so as to enable the Police to make suitable alternative arrangements during the period of such work and to reduce inconvenience caused to the public;
- (g) making arrangements to ensure that owners or occupiers of property, clean and disinfect their respective houses and surroundings and shifting the persons and animals deceased or



suspected to be deceased, in order to prevent spreading of epidemic or contagious diseases;

- (h) regulating, in order to prevent obstruction, inconvenience, annoyance, risk, danger, injury etc. to passers-by or to the residents in the vicinity:
  - (i) activities relating to places of public resort;
  - (ii) arrangements relating to public safety in streets, public places and buildings in such places;
  - (iii) the blasting of rocks;
  - (iv) any construction, repair or maintenance work;
  - (v) any commercial activities;
  - (vi) regulating public assemblies and processions.

(2) Every such regulation shall be published at the place where it is to be implemented and all persons concerned shall be liable to comply with the same.

#### **122. Regulation of Public Assemblies and Processions**

(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 condition set under section 121 (1) (h) (vi) and order such assembly or procession to disperse.

(2) Any assembly or procession which defies 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 Ranbir Penal Code Svt. 1989 (1932 A.D).

#### **123. Directions to keep order on Public Roads**

(1) The District Superintendent of Police or any Police Officer authorized by him in this behalf, through a general or special order, may give reasonable directions in respect of the whole District or any part thereof to the public to keep order on public roads and streets, thoroughfares, or any public place, in order to prevent obstruction, injury, annoyance to passers by.

#### **124. Power to reserve public place 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) The District Superintendent of Police may authorize any Police Officer to erect barriers or any other necessary structures on public road and streets, to check vehicles or occupants thereof for violation of any legal provisions and in making such order, the Superintendent of Police of a district shall specify the necessary steps ensuring the safety of passers-by.
- (3) The temporary structures shall be removed once the purpose for which they were installed is over.

#### **125. Regulating nuisance caused by noise**

- (1) The District Superintendent of Police may, in order to prevent nuisance, harm, odium, damage or risk to the public or to any person residing in an area if he is satisfied that it is necessary to do so, issue necessary special or general directions for preventing or regulating in any street, open space or any other building:
  - (a) any vocal or instrumental music or speech;
  - (b) any sound caused by the use in any manner whatsoever of any instrument or contrivance which is capable of making, producing, reproducing or amplifying sound; or
  - (c) any trade, vocation or activity which creates or causes any sound or noise.
- (2) The District Superintendent of Police may either on his own motion or on the application of any person aggrieved by an order made under sub-section (1) rescind, modify or alter any such order.

#### **126. Regulation to prevent violence**

- (1) The District Superintendent of Police may, if he is satisfied from the circumstances that it is necessary for the preservation of public peace or public safety, by notification, either proclaimed or specifically addressed to individuals, prohibit or control in any manner for a period not exceeding fifteen days in any place, -
  - (a) the preparation, storage or transport of destructive material, explosives, gun powder, stones or other missiles or instruments which can be used for the making of or launching of missiles or any weapon or any other object which can be used for attack; or
  - (b) the exhibition of living persons or corpses; or

- (c) the preparation, exhibition, representation, distribution or dissemination of pictures, symbols, placards, printed matter, pamphlets, books, audio-video recordings, digital records, posters which may inflame communal or religious passions or offend general standards of public morality or seriously affect public peace or endanger security of the nation.
- (2) Any article used or carried by any person in contravention of any prohibition under sub-section (1) may be seized by a Police Officer on duty.

### **127. Traffic Regulatory Committees**

- (1) In every Municipal Council, Municipal Committee and the Municipal Corporation Traffic Regulatory Committees shall be constituted by the Government for regulating matters in respect of traffic.
- (2) The concerned District Magistrate shall be the Chairman of the Traffic Regulatory Committee and the Committee will comprise such other members as may be notified by the State Govt. from time to time.
- (3) The Traffic Regulatory Committee shall issue orders, not inconsistent with the provisions of the Motor Vehicles Act, 1988 (Central Act 59 of 1988) and the rules made thereunder, for preventing danger, obstruction and inconvenience caused to the general public in respect of traffic as prescribed by the rules framed under this Act for compliance by the Government Departments concerned, the officers and the general public.

### **128. Coordination with District Administration**

(1) In order to ensure the efficient general administration of the District, the District Magistrate shall have the authority to co-ordinate the functioning of the Police in the following matters with other agencies connected with the administration of the District:

- a) matters relating to the promotion of land reforms and the settlement of land disputes;
  - b) matters relating to extensive disturbance of the public peace and restoration of tranquillity;
  - c) matters relating to the conduct of elections to any public body;
  - d) matters relating to handling of natural calamities and the rehabilitation of the persons affected by natural calamity;
  - e) matters relating to situations arising out of any external aggression;
- and



- f) any other similar matters that do not come within the purview of any one department and affecting the general welfare of the people of a District.
- (2) For purposes of such co-ordination, the District Magistrate may:
- a) call for information of a general or special nature, as may be necessary, from the Police and other agencies connected with the general administration of the District;
  - b) call for a report regarding the steps taken by the Police or other agencies in handling the situation;
  - c) give such directions to the Police and the connected agencies in respect of matters as the District Magistrate deems necessary;
  - d) ensure that all the departments of the District whose assistance may be required, may render such assistance to the District Superintendent of Police for the efficient functioning of the Police in the District.

**129. Persons to render essential services**

(1) The District Magistrate may after considering the situation prevailing in any local area for the purpose of maintaining peace or preventing danger to the public or for the prevention of any danger to life and property arising from any type of accident or disaster, requisition the professional, mental or physical services of any person or group of persons, institutions and such persons or groups or institutions shall be bound to render such services to the best of their ability.

**130. Saving and control of the District Magistrate**

Nothing in the preceding sections namely section 122, 123, 124, 125 & 126 shall be construed as interference with the general control of the District Magistrate over the matters contained therein.

**Chapter XII**  
**GENERAL OFFENCES AND PUNISHMENT**

**131. Unauthorized use of Police Uniform**

Whoever, not being a member of the police service wears, without obtaining permission from any officer authorized in this behalf by the 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 liable to punishment with imprisonment not exceeding three years or fine or with both.

**132. Dereliction of duty by a Police Officer**

Any Police Officer who:-

- (a) violates or neglects to obey any legal provision, procedure, rule or regulation applicable to members of the police Service under this Act; or
- (b) pretends to be ill or injured or voluntarily hurts himself with a view to evade from duty; or
- (c) acts in any other manner unbecoming of a Police Officer; or
- (d) is guilty of cowardice,

shall be guilty of dereliction of duty and shall be liable on conviction before a Judicial Magistrate, to a penalty not exceeding three months pay or to imprisonment for a period not exceeding three months, or to both.

Provided that in respect of an act considered to be an offence under this section, the disciplinary authority concerned may decide that departmental disciplinary proceedings shall alone be taken without resorting to criminal proceedings.

**133. Vexatious arrest, search, seizure, violence, etc**

Whoever, being a Police Officer:

- (a) enters into or conducts unnecessary searches or causes to be searched without lawful authority or reasons in any building, vessel, tent or place for causing annoyance; or
- (b) seizes the property of any person or detains a person in custody or conducts search or arrests any person illegally for causing annoyance and without reasonable cause; or





- (c) deliberately subjects, any person in custody or with whom he comes into contact in the course of his duties, to torture or any kind of inhuman or unlawful personal violence or serious misconduct; or
- (d) deliberately, knowingly and maliciously with intent to implicate an innocent person in a criminal offence records a false statement or make a forged document or raises a false allegation of attack on the police ; or
- (e) deliberately and directly aids or abets for the commission of an offence which, as a Police Officer, he is bound to prevent, shall on conviction, be punished with imprisonment for a term which may extend to one year and shall also be liable to fine.

Provided that nothing in this section shall preclude any court from punishing any Police Officer, under any other law for the time being in force, if the same matter is an offence under the provisions of that law.

**134. Penalty for interfering in the functions of the police**

Whoever:

- (a) abets any member of the police Service not to do his duties or to commit violation of discipline; or
- (b) unlawfully undertakes any function or power of police; or
- (c) impersonates as a Police Officer other than innocently for the purposes of entertainment; or
- (d) deliberately makes a false statement to a Police Officer with intent to mislead the police in material particulars in a police investigation or due performance of police duty; or
- (e) threatens, obstructs or assaults a Police Officer with the manifest intention of preventing such officer from discharging any of his duties,

shall, on conviction, be punishable with imprisonment for a term which may extend to two years or fine or with both

**135. Punishment for atrocities against women**

(1) Any person who:

- (a) performs, in public places, any sexual gestures or acts degrading the dignity of women; or
- (b) takes photographs or records videos or propagates them at any place in a manner affecting the reasonable privacy of women,



shall, on conviction, be punished with imprisonment which may extend to three years and fine.

(2) Where any service provider or person in-charge of a public place, who fails by deliberate omission to take reasonable action for the time being to prevent such a criminal act, if the victimized woman complains that an offence under sub-section (1) had taken place in their presence or fails to inform the authorities concerned, shall be an offence which on conviction be punishable with imprisonment of and upto one year or with fine not exceeding ten thousand or with both.

**136. Penalty for causing nuisance and violation of public order**

If any person:

- (a) cleans furniture, article or vehicle or slaughters any animal or cleans any carcass or grooms any animal in a public place causing annoyance or inconvenience to the public;
- (b) causes any vehicle or conveyance to remain in such a manner causing obstruction, inconvenience or danger to the public;
- (c) defaces or covers a traffic sign or signboard reducing its visibility or readability;
- (d) defaces walls, buildings or other structures without the prior permission of the custodian of the property;
- (e) defiles water sources or water supply or cause a hindrance to public sanitation activities or makes public place dirty or causes serious damage to environment unlawfully;
- (f) trespasses into a Government building or Government land;
- (g) drives, drags or pushes any non-motorised vehicle at any time between half an hour after sunset and one hour before sunrise without sufficient light;
- (h) drives or drags or pushes any non-motorised vehicle without actual necessity or sufficient reason for such deviation and does not keep,-
  - (i) on the right side of any other vehicle while overtaking;
  - (ii) the left side of the street when any other vehicle is coming from the opposite direction.

- (i) transports through the street any vehicle or vehicles carrying any article which projects more than five feet in front or behind the vehicle or vehicles;
- (j) causes any injury or damage by any negligence or ill-usage in driving, management or care of any animal or vehicle;
- (k) knowingly defecates or urinates in a public place with a view to cause annoyance to others;
- (l) does not take due care of pets under one's care or control and thereby causing inconvenience to neighbours or public by carelessly letting them loose ;
- (m) buys any ornament, watch, pen, cycle, utensil or any valuable article from any person apparently under the age of fourteen years or takes any article on pawn or pledge from such a person without the knowledge and consent of the owner ;
- (n) without adequate precautions and without taking into account public safety, undertakes or allows any dangerous activity at a place or premise under his control; or
- (o) causing, through any means of communication, a nuisance of himself to any person by repeated or undesirable or anonymous call, letter, writing, message, e-mail or through a messenger ;
- (p) breaks any queue, in any public place, formed for the purpose of orderly delivery or receipt or use of any service, whether public or private;
- (q) pastes or affixes any document anywhere which is of a defamatory or threatening nature concealing the identity of the author thereof, shall, on conviction, be punishable with imprisonment which may extend to one month or with fine which may extend to thousand rupees or with both.

**137. Punishment for offences for which there is no separate provision**

(1) Any person who violates any of the provisions of this Act or commits any act of commission or omission in violation of the provisions of this Act or any rules or any order made thereunder shall, on conviction, if no other punishment is prescribed for the same offence under this Act, be punishable with imprisonment for a term not exceeding six months or with fine which may extend to two thousand rupees or with both.

(2) Where the offence is committed by more than one person each of them shall be punished severally.

### **138. Offences by Companies**

(1) Where an offence under this Act has been committed by a Company, every person who, at the time the offence was committed, was in charge of and was responsible for, the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence, and shall be liable to be proceeded against and punished accordingly.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of any Director or Manager or Secretary or any other officer, such Director or Manager or Secretary or such other officer of the company shall also be deemed to be responsible for the offence and such person shall be liable to be proceeded against and punished accordingly.

Explanation:- For the purposes of this section:

(a) "Company" means a body corporate and includes a firm or other association of individuals; and

(b) "Director", in relation to a firm, means a partner in the firm.

### **139. Signature on Notices**

Every license, written permission, notice, or other document, not being a summon or warrant or search warrant, required by this Act, or by any rule made thereunder, to bear the signature of the competent authority, shall be deemed to be properly signed if it bears a facsimile of his signature stamped thereon.

### **140. Cognizable offences and bailable offences**

(1) Offences under sections 131, 133, 134 and 135 of this Act shall be cognizable and bailable.

(2) Notwithstanding the provisions of sub-section (1), a Police Officer shall have power to arrest a person only if:

(a) his arrest is necessary to prevent or not to continue any offence; or

(b) it is manifestly evident that locating such person subsequently is not possible; or

- (c) such person is likely to hurt himself or any other person; or
  - (d) there is any special and emergent circumstances warranting the arrest.
- (3) All other offences under this Act shall be non-cognizable, bailable and compoundable:

Provided that a Police Officer present at the spot may remove a person temporarily for the purpose of preventing the continuance of an offence in his presence.

#### **141. Compounding of offences**

(1) The District Superintendent of Police may, on a joint application by the accused and the complainant, compound all non-cognizable offences under the Act.

(2) The District Superintendent of Police may, on any application made by the accused, compound offences under sections 134 & 135(2) if he deems that the matter is not serious enough to be prosecuted before a court:

Provided that no such compounding shall be made in a matter in which the court has already initiated action, after submission of charge sheet by police, and on such occasions, the offences may be compounded before such court.

(3) The compounding fees to be levied in respect of each category of offence shall be such as may be prescribed by the Government and the District Superintendent of Police concerned shall collect such compounding fees in accordance with the manner notified by the Director General of Police.

(4) Compounding shall not be deemed to be conviction but may be used to prove the previous conduct in any proceeding where such previous conduct is relevant.

#### **142. Protection of action taken in good faith**

No suit, prosecution or other legal proceedings shall lie against the Government or any Police Officer or any public servant duly appointed or authorized under this Act for anything done or intended to be done in good faith in the due discharge of official duties under the provisions of this Act except after obtaining prior sanction of the State /Central Government whichever may be applicable as the case may be.

**143. Criminal Justice Miscellaneous Expenses Fund**

(1) There shall be a Fund called the Criminal Justice Miscellaneous Expenses Fund maintained and administered centrally by the Director General of Police and from the Fund, the following expenses may be met, namely:-

- (a) expenses including medical expenses of those in custody;
- (b) expenses incurred in respect of investigation of criminal cases including allowances or reimbursement of expenses to witnesses, other than the expenses incurred by Police Officers or allowances paid to the Police Officers;
- (c) expenses relating to maintenance and storage of articles kept in custody;
- (d) expenses incurred for activities connected with the removal and disposal of the dead bodies and for giving emergent help for injured persons and for victims of accidents and disasters.

(2) The administration of the Fund shall be in accordance with the orders issued by the Government.

(3) All compounding fees levied and collected by the Police while compounding the offences under the Act and all amounts realised by the sale of unclaimed properties and perishable properties shall be remitted to the Govt. Treasury.

(4) Government may, from time to time, provide amount to the Fund for ensuring that there is sufficient amount in the Fund to meet the expenses.

**144. Prosecution for Offences under other Laws**

Subject to the provisions as contained in section 403 of the Code of Criminal Procedure Svt. 1989 (1933 AD), nothing in this Act shall be construed as preventing any person from being prosecuted and punished under any other law for any thing done or made punishable by the Act.

**145. 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 538-A of the Code of Criminal Procedure Svt. 1989 (1933 AD). For computing the limitation period, provisions of Chapter XLV-A of the Code of Criminal Procedure Svt. 1989 (1933 AD) shall apply.

## Chapter XIII

### MISCELLANEOUS

#### **146. 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 the Police Officers and all rewards, forfeitures and penalties or shares thereof which are by law payable to Police Officers as informers shall, save in so far as any such fees or sums belong under the provisions of any enactment in force to any local authority, be credited to the Government.

Provided that with the sanction of the Government, or under any rule made by the 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.

#### **147. Method of proving orders and notifications**

Any order or notification published or issued by the Government or 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 true of an original published or issued according to the provisions of this section of the Act applicable thereto.

#### **148. 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.

#### **149. Licences and written permissions to specify conditions, and to be signed**

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



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

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

(4) **Licensee to produce licence and permission, when required:** Every person to whom any such licence or written permission has been granted, shall, while the same remains in force, at all reasonable time, produce the same, if so required by a Police Officer.

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

#### **150. Public notice**

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 place, or by proclaiming the same with beat of drums, or by advertising the same in such local newspapers of English or Urdu or Hindi as the said authority may deem fit, or by any two or more of these means or by any other means it may think suitable:

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

#### **151. Consent of competent authority**

Whenever under this Act, the doing or the omission 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.

**152. Power of Government to give directions**

Notwithstanding anything contained in the foregoing provisions of this Act, Government may give lawful directions to the Director General of Police for taking actions in accordance with the provisions of the Act.

**153. Power to make rules**

(1) The Government may by notification in the Gazette, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:

(a) all matters expressly required or allowed by this Act to be prescribed; and

(b) all other matters which are or may be prescribed.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions and if before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

**154. Power to remove difficulties**

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

**155. Repeal and saving**

- (1) The Police Act, 1983 BK (1927 AD) is hereby repealed.
- (2) Notwithstanding such repeal anything done or any action taken under the said Act shall be deemed to have been done or taken under the corresponding provisions of this Act.
- (3) The J&K Police Rules 1960 AD framed under the Police Act, 1983 BK (1927 AD) shall be deemed to have been framed under this Act till new rules are framed under this Act.