



THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

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GOVERNMENT OF ASSAM
ORDERS BY THE GOVERNOR

LEGISLATIVE DEPARTMENT :: LEGISLATIVE BRANCH

NOTIFICATION

The 31st August, 2007

No. LGL. 149/2007/92. -- The following Act of the Assam Legislative Assembly which received the assent of the Governor is hereby published for general information.

ASSAM ACT NO. XX OF 2007

(Received the assent of the Governor on 30th August, 2007)

THE ASSAM POLICE ACT, 2007

AN

ACT

to provide for impartial and efficient Police Service safeguarding the interests of the people making the Police Force professionally organized, service oriented and accountable to the law.

Preamble

WHEREAS it is the constitutional obligation of the State to provide impartial and efficient police Service safeguarding the interests of the people with due regard to rule of law;

AND WHEREAS such functioning of the police personnel needs to be professionally organized, service oriented and accountable to law to make it more efficient instrument for the prevention and detection of crime;

AND WHEREAS it is expedient to redefine the role of the police 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;

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

It is hereby enacted in the Fifty-eighth Year of the Republic of India as follows :-

Chapter I

Preliminary: Definitions and Interpretations

Short
title, extent and
commencement

1. (1) This Act may be called the Assam Police Act, 2007.
- (2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, specify in this behalf.
- (3) It extends to the whole of the State of Assam.

Definitions

2. (1) In this Act, unless the context otherwise requires,--
 - (a) "Act" means the Assam Police Act, 2007;
 - (b) the words "Magistrate of the District" shall mean the Chief Officer charged with the executive administration of Magistrate and exercising the powers of the 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;
 - (c) "cattle" include cows, buffaloes, elephants, camels, horses, asses, mules, sheep, goats and swine;
 - (d) "insurgency" includes waging of armed struggle by a group or a section of population against the state with a political objective including the separation of a part from the territory of India,
 - (e) "organized crime" includes any crime committed by a group or network of persons in pursuance of its common intention of unlawful gain by using violent means or threat of violence;
 - (f) "internal security" means preservation of sovereignty and integrity of the State from disruptive and anti-national forces from within the State;
 - (g) "militant" activities shall include any violent activity of a group using explosives, inflammable substances, firearms or other lethal weapons or any hazardous substance in order to achieve its political objectives;
 - (h) "property" shall include any movable property, money or valuable security;
 - (i) "person" shall include a company or corporation;
 - (j) "State Government" means the Government of Assam;

- (k) "Police District" means the territorial area notified under section 9 of Chapter II of this Act;
- (l) "Police Officer" means any member of Assam Police Force constituted under this Act;
- (m) "prescribed" means prescribed by rules made under this Act;
- (n) "public place" means any place to which the public have access and includes,-
 - (i) a public building and monument and precincts thereof; and
 - (ii) any place accessible to the public for drawing water, washing or bathing or for purposes of recreation;
- (o) "regulations" mean regulations made under this Act;
- (p) "rules" mean rules made under this Act;
- (q) "service companies" mean units of State Armed Police Branches and District Armed Reserve which are deployed for law and order and other duties in support of civil police;
- (r) "service" means the Police Service constituted under this Act;
- (s) "subordinate rank" means all ranks below the rank of Inspector of Police;
- (t) "terrorist activity" shall include any activity of a person or a group using explosives or inflammable substances or firearms or other lethal weapons or noxious gases or other chemicals or any other substance of a hazardous nature with the aim to strike terror in the society or any section thereof, and with an intent to overawe the Government established by law;

Provided that any publication, document or communication to promote terrorist activities shall be deemed as terrorist activity.

- (2) Words and expressions used in this Act but not defined specifically shall have the same meaning as provided in the General Clauses Act, 1897, Code of Criminal Procedure, 1973, and the Indian Penal Code, 1860 and Assam General Clauses Act, 1915.

Central Act No. 10
of 1897;
Central Act No. 2 of
1974;
Central Act No. 45
of 1860;
Assam Act 2 of
1915

Chapter II

Constitution and organization of the Police Force

One Police
Force for the State

3. (1) There shall be one Police Force for the State. Members of the Police Force shall be liable for posting to any branch of the Force in the State, including any of its specialized wings.

(2) The entire police establishment under the State Government shall, for the purpose of this Act, be deemed to be one Police Force and shall be formally enrolled and shall consist of such members of officers and men, and shall be constituted in such manner, as shall from time to time be ordered by the State Government.

Constitution and
composition of the
Police Force

4. Subject to the provisions of this Act, --

(1) the Police Force shall consist of such numbers in various ranks and have such organization as the State Government may by general or special orders determine;

(2) the direct recruitments to non-gazetted ranks in the Police Force shall be made through a state-level Police Recruitment Board by a transparent process, adopting well-codified and scientific systems and procedures which shall be notified through appropriate rules to be framed by the State Government;

(3) the recruitment to the Indian Police Service and to the rank of Deputy Superintendent of Police shall be made through the Union Public Service Commission and the State Public Service Commission respectively;

(4) the composition of the Police Force shall, as far as possible, reflect adequate representation of all sections of society, including gender representation;

(5) the pay, allowances, service and working conditions of police personnel shall be as prescribed by rules, from time to time. These shall always be commensurate with the arduous and hazardous nature of their duties;

(6) police personnel shall at all times remain accountable to the law and responsible for protection of rights of the people and shall observe codes of ethical conduct and integrity, as may be prescribed.

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

5. (1) For the overall direction and supervision of the Police Force, the State Government shall appoint a Director General of Police of the State who shall exercise such powers, perform such functions and duties, and have such responsibilities and such authority, as may be prescribed:

Provided that the State Government may also appoint one or more Director General of Police as in-charge of various Police Organisations under the overall superintendence and control of the Director General of Police of the State.

- (2) The post of the Director General of Police of the State shall be the senior-most position in the hierarchy of the Police Force of the State.
- (3) The State Government may appoint one or more Additional Director General, and as many Inspectors General, Deputy and Assistant Inspectors General as necessary.
- (4) The State Government may, by a general or special order and in consultation with the Director General of Police, direct in what manner and to what extent an Additional Director General or an Inspector General or a Deputy or Assistant Inspector General shall assist and aid the Director General of Police in the performance, exercise and discharge of his functions, powers, duties, and responsibilities.

Section
and term
of office
of the
Director
General
of Police

6. (1) The State Government shall appoint the Director General of Police from amongst the five eligible senior-most officers of the State, empanelled for the rank.

(2) The empanelment for the rank of Director General of Police shall be done by the State Security Commission considering, *inter alia*, following criteria:-

- (a) length of service and fitness of health, standards as prescribed by the State Government;
- (b) assessment of the performance appraisal reports of the previous fifteen years of service by assigning weightages to different grading, namely, 'Outstanding', 'Very Good', 'Good' and 'Satisfactory';
- (c) range of relevant experience, including experience of work in central police organizations, and training courses undergone;
- (d) indictment in any criminal or disciplinary proceedings or on the counts of corruption or moral turpitude; or charges having been framed by a court of law in such cases;
- (e) due weightage to award of medals for gallantry, distinguished and meritorious service.

(3) The Director General of Police so appointed shall have a minimum tenure of one year subject to his normal date of superannuation:-

Provided that the Director General of Police may be transferred from the post before the expiry of his tenure by the State Government consequent upon:-

- (a) conviction by a court of law in 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, or imposition of any other penalty other than censure awarded under the provisions of relevant Acts and Rules; or
- (c) suspension from service in accordance with the provisions of the 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.
- (f) inefficiency or negligence or misdemeanour prima facie established after preliminary enquiry :

Provided that in public interest the State Government may transfer the Director General of Police as may be deemed appropriate to meet any contingency.

Administration
of Police in
Metropolitan
Areas, Major
Urban Areas
and other
notified Areas

7. the State Government may, by notification in the official gazette establish for each urban areas with a population of 10 lakhs or more 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 springing from purposeful direction unitary chain of command, professional competence, functional specialization and legal authority coupled with accountability as follows : -

- (i) The State Government may appoint a police officer not below the rank of Inspector General of Police to be the Commissioner for any area specified in a notification issued by the State 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 this Act, or as may otherwise be directed by the State Government by general or special order:

Provided that in any area for which a Commissioner is appointed and is empowered to exercise to 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.

Creation
of Police
Zones
and
Ranges

8.(1) The State Government, in consultation with the Director General of Police, may by notification divide the entire geographical area of the State into one or more Police Zones. Each Zone, comprising two or more Police Ranges, shall be headed by an Officer of the rank of Inspector General who shall supervise the police administration of the Zone and report directly to the Director General of Police.

- (2) The State Government, in consultation with the Director General of Police of the State, may by notification create as many Police Ranges as deemed necessary. Each Range, consisting of two or more Police Districts, shall be headed by an officer of the rank of Deputy Inspector General who shall supervise the police administration of the Range and report directly to the Inspector General in charge of the Zone in the jurisdiction of which the Range falls.
- Police Districts** 9. The State Government may in consultation with the Director General of Police of the State, may by notification declare any area within the State to be a Police District. The administration of the Police throughout such district shall vest in the Superintendent of Police who may be assisted by as many Additional, Assistant or Deputy Superintendents, as deemed necessary and are notified.
- District level Special Cells, Sub Divisions and Circles** 10. (1) For the purpose of dealing with a particular category of crime or providing better service to the community at large including victims of crime, the State Government may, in consultation with the Director General of Police of the State and by Notification, create one or more Special Cells in each Police District, to be headed by an officer of the rank of Assistant / Deputy Superintendent of Police.
- (2) The State Government may by notification divide each Police District into as many Sub-Divisions as deemed necessary, to be headed by an officer of the rank of Assistant/Deputy Superintendent of Police.
- (3) The State Government may by notification divide each Police Sub-Division into two or more Circles, each to be headed by an Officer of the rank of Inspector or Deputy Superintendent of Police.
- Police Station** 11.(1) The State Government may, in consultation with the Director General of Police of the State and by notification, create as many Police Stations with as many outposts as necessary, in a Police District as deemed necessary, duly keeping in view the population, the area, the crime situation, the workload in terms of law and order and the distances to be travelled by the inhabitants to reach the Police Station.
- (2) Two or more Police Stations may be assigned to a Police Circle for the purpose of control and supervision.
- (3) A Police Station shall be headed by an Officer in Charge not below the rank of Sub-Inspector of Police:
- Provided that larger Police Stations may be placed under the supervision of officers of the rank of Inspector of Police.*
- (4) There shall be a crime investigation unit of appropriate strength in each Police Station.
- (5) The Superintendent of Police of a district may constitute a community liaison group as may be prescribed for each police station comprising respectable local residents of the area including the representatives of the weaker sections and women with unimpeachable character antecedents and aptitude for community service to aid and advise the police in its functioning.

- (6) Each Police Station shall prominently display all the relevant information required to be made public, as may be required.

Appointment and
terms of key
functionaries

- 12.(1) The State Government shall appoint and transfer officers of the rank of Assistant/Deputy Superintendent of Police and above.
(2) The Government may when deemed necessary post of a Senior Superintendent of Police in a district who will discharge all the functions of a Superintendent of Police in charge of a district:

Provided that the State Government may appoint one or more Superintendents of Police in a district under the control and supervision of Senior Superintendent of Police .

- (3) Following police officers on operational duties in the field shall have a term of minimum one year:-

- (i) Superintendent of Police in charge of District ;
(ii) Officer in charge of Police Station:

Provided that any such officer may be transferred from his post before the expiry of the minimum tenure of one year consequent upon,-

- (a) promotion to a higher post; or
(b) conviction, or charges having been framed, by a court of law in a criminal offence; or
(c) punishment of dismissal, removal, discharge or compulsory retirement from service or of reduction to a lower rank, or imposition of any other penalty other than censure awarded under the relevant Acts and Rules ;or
(d) suspension from 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; or
(f) the need to fill up a vacancy caused by promotion, transfer, or retirement; or
(g) on deputation with the consent of the officer concerned ; or
(h) inefficiency or negligence or misdemeanor prima facie established after preliminary enquiry :

Provided that in the public interest the State Government may transfer the Superintendent of Police of the District as may be deemed appropriate to meet any contingency:

Provided further that in the public interest the Director General of Police of the State may transfer Officers in Charge of Police Station of the rank of Inspector and District Superintendent of Police may transfer the Officer in Charge of Police Station of the rank of Sub-Inspector of Police within the district as may be deemed appropriate to meet any contingency.

Senior Police Officer performing duties of a subordinate officer

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

Relationship of superintendent of Police with District Magistrates

14. (1) The administration of the Police throughout the local jurisdiction of the Magistrate is vested in the Superintendent of Police under the general control and direction of the Deputy Commissioner as District Magistrate. The latter is responsible for keeping peace and maintenance of law and order in a district and may employ the police as he thinks best for the purpose .

(2) The Deputy Commissioner as District Magistrate has however , no authority to interfere in the internal organization and discipline of the Police force, but it is his duty to bring to the notice of the Superintendent of Police, all cases in which the conduct of and qualifications of Police Officer affect the general administration of a district .

Coordination with the District Administration

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

Central
Act 2 of
1974

(a) the promotion of land reforms and the settlement of land disputes;

(b) extensive disturbance of the public peace and tranquility in the district;

(c) the conduct of elections to any public body;

(d) the handling of natural calamities and rehabilitation of the persons affected thereby;

(e) situations arising out of any external aggression or internal disturbances;

(f) any similar matter, not within the purview of any one department and affecting the general welfare of the public of the district; and

(g) removal of any persistent public grievance.

(2) For the purpose of such coordination, the District Magistrate may call for information of a general or special nature, as and when required, from the Superintendent of Police and heads of other departments of the district. Where the situation so demands, the District Magistrate shall pass appropriate orders and issue directions in writing, to achieve the objective of coordination.

Railway
Police

16. (1) The State Government may, by notification in the Official Gazette, create one or more special police districts embracing such railway areas in the State as it may specify, and appoint a Superintendent of Police, one or more Assistant and Deputy Superintendent and such other police officers for each such special district as it may deem fit. The State Government may also appoint for the whole State an officer not below the rank of Deputy Inspector General of Police to supervise the functions of the Railway Police.

(2) Subject to the control of the Director General of Police, such police officers shall discharge police functions connected with the administration of railways situated within their respective charges, and such other functions as the State Government may from time to time assign to them.

(3) Any police officer whom the State Government may by general or special order empower to act under this sub-section, may, subject to any orders which the government may make in this behalf, exercise within the special district or any part thereof any of the powers of an Officer-in-Charge of a Police Station in that district. While exercising such powers he shall, subject to any such order as aforesaid, be deemed to be an Officer-in-Charge of the Police Station discharging the functions of such officer within the limits of his Station.

(4) Subject to any general or special orders which the State Government may make in this behalf, such police officers shall, in the discharge of their functions, be vested within every part of the State, with the powers and privileges and be subject to the liabilities of police officers under this Act or any other law for the time being in force.

State
Intelligence
and Criminal
Investigation
Department

17. (1) The State Police Organization shall have a State Intelligence Department for collection, collation, analysis and dissemination of intelligence, and a Criminal Investigation Department for investigating inter-state, inter-district crimes and other specified offences, in accordance with the provisions of this Act.

(2) The State Government shall appoint a police officer of or above the rank of Inspector General of Police to head each of the aforesaid departments.

(3) The Criminal Investigation Department shall have specialized wings to deal with different types of crime requiring focused attention or special expertise for investigation. Each of these wings shall be headed by an officer not below the rank of a Superintendent of Police.

(4) The State Intelligence Department shall have specialized wings, to deal with and coordinate specialized tasks such as measures for counter terrorism, counter militancy and VIP Security.

(5) The State Government shall appoint as may be prescribed in the rules an appropriate number of officers from different ranks to serve in the Criminal Investigation Department, and the State Intelligence Department, as deemed appropriate with due regard to the volume and variety of tasks to be handled.

Technical and Support Service

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

Appointment of Directors of State Police Academies and Principals of Police Training Colleges and Schools.

19. (1) The State Government may establish a full-fledged Police Training Academy at the State level and as many fully-equipped Police Training Colleges and Schools as deemed necessary for ensuring efficient post-induction training of all directly-recruited police personnel in various ranks, pre-promotion training for all those promoted to higher levels and such thematic and specialized in-service training courses for police personnel of different ranks and categories as deemed necessary from time to time.
- (2) The State Government shall also provide for appointment, by rules, of appropriate number of officers from the police service or paramilitary forces or armed forces or other professional organizations, in such Police Training Academy, College and School, after careful selection having due regard to aptitude, academic qualifications, professional competence, experience and integrity. The State Government shall evolve a scheme of monetary and other incentives to attract and retain the best of the available talent in the service to faculties of such training institutions.

Organisation of Research

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

Oath and Affirmation by Police Personnels

21. Every member of the Police Service enrolled under this Act shall, on appointment and completion of training, make and subscribe before the Superintendent of Police or Commissioner, as the case may be or another officer appointed in this behalf by him as the case may be, an oath or affirmation, as prescribed.

Certificate of appointment

22. (1) Every police officer of or below the rank of Inspector shall on appointment receive an insignia and a certificate in the form as prescribed. The certificate shall be issued under the hand and Director General of Police or such officer as may be authorized by the Director General of Police.
- (2) The certificate of appointment shall become null and void, and the insignia shall be deemed to be withdrawn whenever the person named therein ceases to belong to the Police Force or shall remain inoperative during the period such person is suspended from the service.
- (3) Such certificate shall cease to have effect whenever the person named in it ceases for any reason, to be a police-officer, and on his ceasing to be such an officer, shall be forthwith surrendered by him to any officer empowered to receive the same.

A police-officer shall not, by reason of being suspended from office, cease to be a police-officer. During the term of such suspension, the powers, functions and privileges vested in him as a police-officer shall be in abeyance, but he shall continue subject to the same responsibilities, discipline and penalties and to the same authorities, as if he had not been suspended.

Special Police
Officer

23. (1) When it shall appear that any unlawful assembly, or riot or disturbance of the peace has taken place, or maybe reasonably apprehended, and that police force ordinarily employed for preserving the peace is not sufficient for its preservation and protection of the inhabitants and the security of the property in the place where such unlawful assembly or riot or disturbance of the peace has occurred, or is apprehended, the Superintendent of Police or any officer specially empowered in this behalf by the State Government, may, at any time by a written order issued under the hand and seal of such officer, appoint, for a period as specified in the appointment order, any able bodied and willing person between the age of 18 and 50 years, whom he considers fit to be Special Police Officer to assist the Police Force, with prior approval of the State Government.

(2) Every Special Police Officer so appointed shall have the same powers, privileges and immunities and be liable to the same duties and responsibilities and be subject to the same authorities as an ordinary police officer.

(3) Every Special Police Officer so appointed shall be honorary in nature. However, the State Government, may by special order prescribe the honorarium to be paid to such Special Police officers in the manner prescribed.

Police Officer
not to resign
without leave
or two months
notice

24. No police-officer shall be at liberty to withdraw himself from the duties of his office unless expressly allowed to do so by the District Superintendent or by some other officer authorized to grant such permission, or without the leave of the District Superintendent, to resign his office, unless he shall have given to his superior officer notice in writing, for a period of not "less than two months, of his intention to resign."

Police Officer not
to engage in other
employment

25. No police-officer shall engage in an employment or office whatever other than his duties under this Act, unless expressly permitted to do so in writing by the Director General of Police.

Additional
Police officer
employed at
cost of
individuals

26. It shall be lawful for the Director General of Police or any Additional Director General of Police or Inspector General of Police or Deputy Inspector General of Police, or for the District Superintendent of Police, subject to the general direction of the Magistrate of the district, on the applications of any person showing the necessity thereof, to depute any additional number of police-officers to keep the peace at any place within the general police-district and for such time as shall be deemed proper.

Ranks structures
in Civil Police

27. The service shall have such ranks and post as may be prescribed or as may be notified by the State Government. The recruitment, training, posting, deputation, promotion, code of conduct, discipline, punishment and appeal and to other service conditions of various ranks of service shall be as per rules.

- District Armed Reserve and State Armed Police Battalions** 28. To assist the civil police promptly and efficiently in dealing with group protests and violent disturbances involving breaches of peace or law and order, and in disaster management functions, as well as to discharge such duties as require the presence of armed police, the State Government shall create Armed Police units with appropriate manpower strengths in the form of an Armed Police Reserve for each Police District, and appropriate number of Armed Police Battalions for the State, including provision of women units.
- Role and functions of State Armed Police Battalions** 29. The Armed Police Battalion will be a state-level reserve, to be deployed under specific orders of the Director General of Police, to aid and assist the civil police in dealing with virulent and widespread problems of public disorder or other forms of violence, needing deployment of armed police beyond the resources of the District Police.
- District Armed Reserve** 30. The District Armed Reserve, which will function under the control, direction and supervision of the District Superintendent of Police shall be the armed wing of the District Police to deal with an emergent law and order problem or any violent situation in the district, and for providing security guards or escort of violent prisoners, or such other duties as may be prescribed.
- Organisational structure of the Armed Police Battalions set up** 31. A Commandant, equivalent in rank to Superintendent of Police, shall head each Armed Police Battalion. The Commandant shall be assisted by a Deputy Commandant, equivalent in rank to Additional Superintendent of Police, who will also be the Second-in-Command of the Battalion. Each Battalion shall be divided into appropriate number of Service Companies and a Headquarters Company, each of which will be headed by an Assistant Commandant, equivalent in rank to Deputy Superintendent of Police.
- Administration, Training etc. of Armed Police Branches** 32. The Armed Police Branches setup of the State shall be headed by an officer of or above the rank of Inspector General of Police, who shall be responsible for the administration, training, operational preparedness and welfare of personnel of all the armed police units in the State, under the overall guidance and supervision of the Director General of Police.

Chapter III

Superintendence and Administration of Police

- Superintendence of State Police to vest in the State Government** 33. The superintendence of State Police shall vest in and be exercised by the State Government in accordance with the provisions of this Act, and any other law for the time being in force.
- State Security Commission** 34. The State Government shall, within six months of the coming into force of this Act, establish a State Security Commission to exercise the functions assigned to it under the provisions of this Chapter.
- Composition of the State Security Commission** 35. (1) The State Security Commission shall have as its members:
- (a) the Chief Minister as the Chairperson,

- (b) a retired High Court Judge;
- (c) the Chief Secretary;
- (d) the Secretary in charge of the Home Department as its Member Secretary;
- (e) the Director General of Police of the State ; and
- (f) three non-political persons (hereinafter referred to as "Independent Members") of high integrity, expertise and competence in administration, law enforcement and security related matters nominated by the State Government. Out of these one shall be police officer superannuated in the rank not below Director General of Police, another a retired civil service officer not below the rank of Commissioner and Secretary to the State Government with experience in public administration, and the third member will be from the fields of public service, legal profession or social organization with at least fifteen years experience in the field .

(2) No serving Government employee shall be appointed as an Independent Member.

(3) Any vacancy in the State Security Commission shall be filled up as soon as practicable, but not later than three months after the seat has fallen vacant:

Provided that when the Chief Minister is not the Minister in charge of Home Department then the Minister in charge of Home shall be the vice chairperson of the Commission:

Quorum 36. Half of the members present shall constitute the quorum for the meeting

Grounds of ineligibility for Independent Members 37. No person shall be appointed as an Independent Member of the State Security Commission if he , -

- (a) is not a citizen of India; or
- (b) has been convicted by a court of law or against whom charges have been framed in a court of law; or
- (c) has been dismissed or removed from service or compulsorily retired on the grounds of corruption or misconduct; or
- (d) holds an elected office, including that of Members of Parliament or State Legislature or a local body, or is an office-bearer of any political party or any organization connected with a political party; or
- (e) is of unsound mind.

Term of office of the Retired High Court Judge and Independent Members

38. The Retired High Court Judge and the Independent Members shall be appointed for a period of three years. The same persons shall not be appointed for more than two consecutive terms.

Removal of Independent Members

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

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

(2) In addition, an Independent Member shall be removed from the State Security Commission if he incurs any of the grounds of ineligibility specified under section 37.

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

Functions of the State Security Commission

40. The State Security Commission shall perform the following functions:

- (a) frame broad policy guidelines for promoting efficient, effective, responsive and accountable policing, in accordance with the law;
- (b) prepare panel of five police officers for the rank of Director General of Police against prescribed criteria in accordance with the provisions of Section 6 of Chapter II.
- (c) identify performance indicators to evaluate the functioning of the Police Service. These indicators shall, *inter alia*, include: operational efficiency, public satisfaction, victim satisfaction vis-a-vis police investigation and response, accountability, optimum utilization of resources, and observance of human rights standards.

Expenses of the State Security Commission

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

Administration of Police Force

42. (1) The administration of the Police Force throughout the State shall be vested in the Director General of Police of the State and in such Additional Directors General, Inspectors General, Deputy Inspectors General and other officers as appointed under this Act.

(2) The administration of Police in a district shall vest in the District Superintendent of Police:

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

Powers and Responsibilities of the Director General of Police

43. As head of the State Police Force, it shall be the responsibility of the Director General of Police of the State to,-
- (a) make operational the Government policies and any action plans approved by the State Government; and
 - (b) administer, control and supervise the Police Force to ensure its efficiency, effectiveness, responsiveness and accountability.

Police Establishment Board

44. The State Government shall constitute a Police Establishment Board (hereinafter referred to as the 'Establishment Board') with the Director General of Police of the State as its Chairperson and two other senior officers not below the rank of Inspector General of Police within the police organization of the State as members.

Functions of the Police Establishment Board

45. The Police Establishment Board shall perform the following functions:
- (a) accept and examine complaints from police officers about being subjected to illegal orders. The Establishment Board shall make appropriate recommendation to the Director General of Police of the State for necessary action:
Provided that if the matter under report involves any authority of or above the ranks of the members of the Police Establishment Board, it shall forward such report to the State Security Commission for further action.
 - (b) recommend annually a panel of names of suitable officers to the State Government for posting in the rank of Assistant/Deputy Superintendent of Police .
 - (c) recommend to the Director General of Police of the State the names of officers upto the rank of Sub-Inspector for posting to a Police District on initial appointment, or for transfer from one Police District to another, where such transfer is considered expedient for the Police Force.
 - (d) recommend posting and transfer of officers in the rank of Inspector to the Director General of Police of the State:

Provided that on the specific authorization of the Director General of Police of the State, the Range Deputy Inspector General of Police may effect inter district transfer of officers upto the rank of Sub-Inspector within the range on recommendation of concerned District Superintendent of Police.

Provided further that in the public interest the Director General of Police of the State may transfer any officer up to the rank of Inspector as deemed appropriate to meet any contingency.

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

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

Chapter – IV

Role, Function, Duties and Responsibilities of the Police.

Role and
Functions of
the Police

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

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

Social
Responsibilities
of the Police

48. Every Police officer shall ,-

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