

## **Himachal Pradesh Police Act, 2007**

**17 of 2007**

**[21 September 2007]**

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**Himachal Pradesh Police Act, 2007**

**17 of 2007**

**[21 September 2007]**

An Act to consolidate and amend the law relating to the establishment and management of the Police and matters connected therewith or incidental thereto; 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 the Police needs to be professionally organized and kept free from extraneous influences, so that it is respected by citizens and accountable to law; AND WHEREAS it is expedient to explicitly define the role, duties and responsibilities of the Police, taking into account the emerging challenges of policing, and concern for the security of the State as well the need to ensure good governance and respect for human rights; AND WHEREAS it is necessary to appropriately empower the Police to enable it to function as a professionally efficient, effective and responsive agency. BE it enacted by the Legislative Assembly of Himachal Pradesh in the Fifty-eighth Year of the Republic of India as follows:--

**CHAPTER 1 PRELIMINARY**

## **1. Short Title, Commencement And Extent :-**

- (1) This Act may be called the Himachal Pradesh Police Act, 2007.
- (2) It shall be deemed to have come into force on 16th day of July, 2007.
- (3) It extends to the whole of the State of Himachal Pradesh.

## **2. Definitions :-**

- (1) In this Act, unless the context otherwise requires--
  - (a) "Act" means the Himachal Pradesh Police Act, 2007;
  - (b) "Cattle" include cows, buffaloes, camels, horses, asses, mules, sheep, goats and swine;
  - (c) "Commissioner" means the Divisional Commissioner of a revenue division;
  - (d) "competent authority" means the authority as may be prescribed under this Act or under the applicable rules of the Central Government, as the case may be;
  - (e) "Criminal misconduct" means such misconduct which is an offence under any criminal law in force;
  - (f) "District" or "revenue District" means a district constituted under the provisions of the Himachal Pradesh Land Revenue Act, 1954;
  - (g) "fund" means the Himachal Pradesh Police Fund established under section 130 of this Act;
  - (h) "Gazetted Police Officer" means a Police Officer of and above the rank of Assistant Superintendent of Police or Deputy Superintendent of Police;
  - (i) "insurgency" means waging of armed struggle by a group or a section of population against the State or the Nation with a political objective, including the separation of a part of the State from the territory of India;
  - (j) "internal security" means preservation of unity and integrity of the State from disruptive and anti-national forces;
  - (k) "Leader of Opposition" means the person recognized as such by the Speaker of the Vidhan Sabha, and includes a person recognized as the leader of the single largest opposition group in case there is no recognized Leader of Opposition;
  - (l) "militant activities" includes any violent activity of a group using explosives, inflammable substances, firearms or other lethal weapons or hazardous substances in order to achieve political or other objectives;
  - (m) "Magistrate" means, unless the context otherwise requires, an

Executive Magistrate appointed under section 20 of the Code of Criminal Procedure, 1973, and includes a person exercising powers of Sub-Divisional Magistrate or District Magistrate;

(n) "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;

(o) "notification" means a notification published under proper authority in the Official Gazette;

(p) "Non-Gazetted Police Officer" means a Non-Gazetted Police Officer of Grade-I or Grade-II appointed under section 4 of this Act;

(q) "offence" means any act or omission made punishable by any law for the time being in force;

(r) "Official Gazette" means the Rajpatra of Himachal Pradesh;

(s) "organized crime" means any crime committed by a group of persons in pursuance of a common intention of unlawful gain;

(t) "place of public amusement or public entertainment" means such public places as may be notified by the State Government to be a place of public amusement or public entertainment;

(u) "Police District" means such area as may be declared to be a Police District by the State Government, by notification, under section 9 of the Act;

(v) "Police Officer" means any member of the Police Service for the State;

(w) "prescribed" means prescribed by rules made under this Act;

(x) "police organization" means the various wings of the State Police Service constituted under this Act;

(y) "public place" means such place to which the public has access whether on payment or free of charge and includes-

(i) public buildings, markets, trains, buses and monuments and precincts thereof;

(ii) any place accessible to the public for drawing water, washing or bathing or for purposes of recreation; and

(iii) such other places as may be notified by the State Government;

(z) Range or Police Range means a Range created under section 8 of this Act;

(za) "regulations" mean regulations made under this Act;

(zb) "rules" mean rules made under this Act;

(zc) "Schedule" means a Schedule appended to this Act;

(zd) "Service Companies" mean units of the State Armed Police

Battalions and District Armed Reserve which are deployed for law and order and other duties in support of the civil police;

(ze) "Service" or "Police Service" means the Police Service constituted under this Act;

(zf) "Standing Order" means a special or general order issued by the Director-General of Police in conformity with the provisions of this Act and the rules made thereunder;

(zg) State means the State of Himachal Pradesh;

(zh) State Government or Government means the Government of Himachal Pradesh; and

(zi) "terrorist activity" means any activity of a person or a group of persons using or threatening the use of 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 of striking terror in society or any sector thereof, or with the intention of overthrowing the Government established by law.

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

## **CHAPTER 2** CONSTITUTION AND ORGANIZATION OF THE STATE POLICE SERVICE

### **3. One Police Service For The State :-**

(1) There shall be one Police Service for the State, called the "Himachal Pradesh Police Service" and members of such Service shall be liable for posting to any branch of the Service including the Armed Police or any of the specialized wings.

(2) The superintendence of the Police throughout the State shall vest in and shall be exercised by the State Government and except as authorized under this Act, no person, officer or Court shall or be empowered by the State Government to supersede or control any Police functionary.

(3) Police Officers shall at all times remain accountable to the law and responsive to the lawful needs of the people and shall observe strict code of ethical conduct and integrity.

(4) No Police Officer shall resign his office unless he has given not less than three months notice in writing to his superior officer.

### **4. Constitution And Composition Of The State Police Service :-**



(1) Subject to the provisions of this Act, the Police Service of the State shall be categorized as the Civil Police and the Armed Police, each consisting of appropriate numbers of--

(i) Non-Gazetted Police Officers Grade-II, comprising of Constables and Head Constables;

(ii) Non-Gazetted Police Officers Grade-I, comprising of Assistant Sub-Inspectors, Sub-Inspectors and Inspectors; and

(iii) Gazetted State Police Service Officers; and

(iv) Indian Police Service Officers serving in connection with the affairs of the State.

(2) The State Government shall determine the strength of various ranks in the Civil and Armed Police in a manner as may be prescribed.

(3) Recruitment of the Non-Gazetted Police Officers Grade-II to District and State Cadres shall be made through Police Recruitment Board, in accordance with Recruitment and Promotion Rules framed by the State Government: Provided that the Director-General of Police may transfer Police Officers Grade-II from the State Cadre to a District Cadre and vice-versa under general orders of the State Government.

(4) Promotions within the ranks of Non-Gazetted Police Officers Grade -II shall be made in accordance with Recruitment and Promotion Rules framed by the State Government for the purpose.

(5) Recruitment and promotions to the ranks of Non-Gazetted Police Officers Grade-I shall be made in accordance with Recruitment and Promotion Rules framed by the State Government: Provided that up to 50% of the posts being directly recruited may be reserved for Non- Gazetted Police Officers with not less 7 years service and fulfilling the educational qualifications prescribed for direct recruits.

(6) Appointment to the Gazetted State Police Service shall be made on the recommendations of the State Public Service Commission in accordance with Recruitment and Promotions Rules framed by the State Government.

(7) Officers of the Indian Police Service shall be appointed to hold posts in the State in accordance with rules framed by the Central Government.

(8) The pay, allowances, pensions and other conditions of service of the officers of State Police Service other than the Indian Police Service shall be such as may be prescribed from time to time.

## **5. Appointment Of Director- General Of Police And Other Officers :-**

(1) For the overall control and supervision of the Police Service, the State Government shall appoint a Director-General of Police who shall exercise such powers and perform such functions and duties and shall have such responsibilities and such authority as may be provided by or under this Act or rules made thereunder.

(2) The post of Director-General of Police shall be the senior-most position in the hierarchy of the Police Service of the State and no officer senior or equivalent in rank to the incumbent of the post of Director-General of Police shall be posted to any position within the State Police Organization.

(3) The State Government may appoint one or more Additional Directors-General and as many Inspectors-General and Deputy Inspectors-General and Assistant Inspectors-General of Police as it may consider necessary, subject to rules made in this behalf by the Central Government.

(4) The State Government may in consultation with the Director-General of Police, by a general or special order published in the Official Gazette, direct an Additional Director-General or Inspector-General or Deputy- Inspector General or Assistant Inspector-General of Police to assist and aid the Director-General of Police in the performance and exercise of his functions, duties, responsibilities, authority and powers, in such manner and to such extent as may be specified in such order.

(5) Subject to such general or special order of the State Government, the Director-General of Police may, from time to time, assign specific duties and responsibilities by a general or special standing order.

## **6. Method Of Selection And Term Of Office Of Director General Of Police :-**

(1) The State Government shall appoint the Director-General of Police from amongst officers of the Indian Police Service in the State Cadre empanelled for the rank in accordance with rules and recommended by a three members Screening Committee headed by the Chief Secretary constituted for the purpose. The Screening Committee shall prepare a panel of atleast 3 suitable persons, and the Screening Committee may be asked to prepare a fresh panel by the Government, if in its view no one from a panel is suitable.

Except in the case where the vacancy is unanticipated, the Screening Committee shall make its recommendation before the vacancy arises:

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 Indian Police Service Officers of other State Cadres subject to their willingness and concurrence of the Central Government.

(2) The Screening Committee may devise its own procedure and shall consider the names of all empanelled Officers of the Indian Police Service in the State Cadre and shall make its assessment on the basis of --

- (i) the performance appraisal reports;
- (ii) the range of experience relevant to professional police work including experience of work in Central Police Organizations;
- (iii) clean record of service in terms of indictment of the officer in any criminal or disciplinary proceedings or on the grounds of corruption or moral turpitude; and
- (iv) due weightage being assigned to award of medals for Gallantry, Distinguished and Meritorious services:

Provided that where the Committee finds that no suitable Indian Police Service Officer is available in the State Cadre, it shall make its assessment with regard to Indian Police Service Officers of others State Cadres, in accordance with the proviso to sub-section (1).

(3) The Director- General of Police appointed in accordance with the provisions of this Act shall have tenure till superannuation as may be provided in the rules made by the Central Government in this behalf:

Provided that an incumbent may be removed from the post before the expiry of his tenure by the State Government through a written order specifying reasons, consequent upon--

- (i) framing of charges in a criminal case by a Court of law; or
- (ii) issue of charge-sheet under the provisions of the All India Services (Discipline and Appeal) Rules or any other relevant rules; or
- (iii) suspension from service; or
- (iv) incapacitation by physical or mental illness or otherwise becoming unable to discharge his functions as Director-General of Police; or
- (v) administrative exigencies, in the larger public interest:

Provided further that the officer may be allowed by the State Government to relinquish charge of the post on--

- (i) appointment to a post under the Central Government or another State Government or an International Organization, subject to such officer having given his consent to such a posting; or
- (ii) resignation or voluntary retirement from service.

## **7. Appointment Of Legal Advisor And Financial Advisor :-**

The State Government may appoint a Legal Advisor and a Financial Advisor of such rank as may be determined by the State Government, to assist and aid the Director-General of Police on legal and financial matters respectively, in the discharge of his duties and functions.

## **8. Creation Of Police Zones And Ranges :-**

(1) The State Government may, in consultation with the Director - General of Police, by notification, constitute the entire geographical area of the State into one or more Police Zones, each with its headquarters. Each Zone, comprising of two or more Police Ranges, shall be headed by an officer of the rank of Inspector-General who shall be responsible for superintendence and control of the police administration of the Zone and shall report to the Director-General of Police.

(2) The State Government may, in consultation with the Director-General of Police, by notification, create as many Police Ranges as deemed necessary, each with its headquarters. Each Range, consisting of two or more Police Districts, shall be headed by an officer of the rank of Deputy Inspector- General who shall be responsible for superintendence and control of the police administration of the Range and shall report to the Inspector-General incharge of the Zone concerned.

## **9. Police Districts :-**

The State Government, may in consultation with the Director-General of Police, by notification, declare any area within the State to be a Police District, with its headquarters. The administration of the police throughout such district shall be under the charge of the Superintendent of Police who may be assisted by as many Additional, Assistant or Deputy Superintendents of Police as deemed necessary subject to the rules made for the purpose:

Provided that the State Government may, in the public interest and for reasons to be recorded, post such Additional, Assistant or Deputy Superintendents of Police to a District as may be necessary, for a period not exceeding six months.

#### **10. Creation Of District Level Special Cells And Sub-Divisions :-**

(1) For the purpose of ensuring quick and scientific investigation of such serious offences as may be notified, the State Government shall, in consultation with the Director-General of Police, by notification, create a Special Cell in each Police District, to be headed by an officer of the rank of Additional, Assistant or Deputy Superintendent of Police, for supervision and monitoring of investigation and for the better coordination of prosecution of such cases in a Court of law.

(2) The State Government may, by notification, divide a Police District into as many Sub-Divisions as deemed necessary each with its headquarters, under the charge of an officer of the rank of Assistant or Deputy Superintendent of Police, who shall be known as the Sub-Divisional Police Officer.

#### **11. Creation Of Police Stations :-**

(1) Subject to such norms as may be prescribed, the State Government may, in consultation with the Director-General of Police, by notification, create as many Police Stations in a Police District as deemed necessary, with jurisdiction over such villages as may be specified in the notification, keeping in view the population, geography of the area, the crime rate, the workload with respect to the law & order and the distances to be traversed by the inhabitants to reach the Police Station:

Provided that Government may create a Police Post, headed by a Non-Gazetted Officer Grade-I and with such number of other Non-Gazetted Police Officers as the Government may fix, within the local limits of a Police Station and such Police Post shall be under the overall control of the officer-in-charge of the Police Station concerned and shall be deemed to be a part of the Police Station.

(2) Two or more Police Stations may be assigned to a Police Sub-Division for the purpose of control and supervision.

(3) Each Police Station shall have a Station House Officer not below the rank of Sub-Inspector of Police, as the officer-in-charge of the Police Station:

Provided that Police Stations having a higher population or higher crime rate may be placed under the charge of Police Officers of the rank of Inspector of Police.

(4) The State Government shall ensure at all times, availability of adequate strength of staff at each Police Station, based on norms as may be prescribed.

(5) The State Government shall endeavour to provide to each Police Station all essential amenities such as a reception-cum-visitors room, interrogation room of appropriate design, separate toilets for men and women and separate lock-ups for men and women.

(6) In order to ensure professional and scientific investigation, each Police Station shall have a separate Investigation wing known as the "Criminal Investigation Unit" (CIU) staffed by such numbers of Investigation Officers from amongst Non-Gazetted Police Officers Grade-I as may be determined, along with appropriate numbers of Non-Gazetted Police Officers Grade-II.

(7) The qualifications and experience for the Investigation Officers shall be specified by regulations made by the Director-General of Police.

(8) The State Government shall ensure that every Police Station at District Headquarters and Sub-Divisional Headquarters, and such other Police Stations as may be notified from time to time, shall have a Women & Children Cell staffed by women police, to record complaints of offences against women and children.

(9) Each Police Station shall prominently display all the information required to be made public under the Right to Information Act, 2005, and all Standing Orders of the Director-General of Police required to be so displayed as well as information relating to occurrence of crime, arrests, detention, release, convictions and acquittals:

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 Deputy-Inspector General within his Range, and the Superintendent of Police within the District, may issue directions for display of such information as may be necessary in the public interest.

(10) It shall be the duty of every officer-in-charge of a Police Station to keep a General Diary in such form as may be prescribed and to record therein all complaints, the names of the complainants, and charges preferred, the names of all persons arrested, the offences charged against them, the weapons or

property that have been taken from their possession or otherwise, and the name of the witnesses who have been examined.

## **12. Tenure Of Office Of Police Functionaries :-**

An Officer posted as Station House Officer or as Sub-Divisional Police Officer or as Superintendent of Police of a District shall normally have a minimum tenure of two years and a maximum tenure of three years, unless promoted to a higher post earlier:

Provided that an officer may be retained for upto six months after expiry of his tenure, in the public interest for reasons to be recorded in writing:

Provided further that any such officer may be removed from his post before the expiry of the minimum tenure of two years by the authority competent to remove him for reasons to be recorded in writing, consequent upon-

- (i) filing of a chargesheet in a criminal case in a Court of law; or
- (ii) serving of a charge-sheet for a major penalty under the relevant disciplinary rules; or
- (iii) suspension from service in accordance with the provisions of the relevant disciplinary rules; or
- (iv) reversion to a lower post for administrative reasons; or
- (v) incapacitation by physical or mental illness or otherwise becoming unable to discharge his functions and duties; or
- (vi) administrative exigencies, in the larger public interest.

## **13. Coordination In Matters Of Overriding Public Importance :-**

(1) The Commissioner and the District Magistrate within their jurisdiction shall function as nodal and coordinating authorities on behalf of the State Government and provide leadership in times of crises likely to affect the public peace.

(2) In order that these functionaries are able to discharge these functions effectively in matters of overriding public importance, the Deputy Inspector-General of the Range shall keep the Commissioner fully informed of all matters relating to the state of law and order in the Division and potential for any concerted effort to disturb the public peace.

(3) The District Superintendent of Police shall keep the District Magistrate fully informed on all matters in the District relating to the state of law and order and potential for disturbance of the public peace and shall promptly consult him on all matters of

overriding public importance relating to the Police.

(4) The Sub-Divisional Police Officer and the Station House Officer shall keep the Sub-divisional Magistrate or the Executive Magistrate, as the case may be, fully informed of all matters in the Sub-Division or other local jurisdiction relating to the state of law and order and potential for disturbance of the public peace and shall promptly consult him on all matters of overriding public importance relating to the Police.

#### **14. General Administration :-**

(1) For the better general administration of the district, it shall be lawful for the District Magistrate, in addition to the powers conferred under the provisions of the Criminal Procedure Code or any other law for the time being in force, to issue directions to the Police of the district in respect of the following, namely:-

(i) Matters relating to the promotion of land reforms and the settlement of land disputes including removal of encroachments on Government land, common lands and forest land;

(ii) Matters relating to projects of State-level importance particularly in relation to power, industry and tourism;

(iii) Matters relating to extensive disturbance of the public peace and tranquility in any part of the district;

(iv) Matters relating to the conduct of elections to any public body or holding of any function or event of public importance;

(v) Matters relating to the handling of natural or manmade disasters or major accidents;

(vi) Matters relating to situations arising out of any external aggression, threat to internal security, insurgency, riots, industrial or other strikes etc.;

(vii) Matters relating to protection of women, weaker sections and minorities;

(viii) Any matter, not within the purview of any one department and affecting the general welfare of the people of the district or arising out of a judicial pronouncement, necessitating the District Magistrate to use the services of the Police; and

(ix) Such other matters as the State Government may assign from time to time in the public interest.

(2) It shall be lawful for the District Magistrate to call for information or assistance of a general or special nature from the Police with respect to matters specified in sub-section (1) and the Superintendent of Police shall be duty-bound to furnish such



information and all necessary assistance to the District Magistrate for the purpose.

(3) The Superintendent of Police may, in order to provide police service in respect of matters specified under sub-section (1), refer a matter to the District Magistrate to issue directions to all or any of the departments in the district to facilitate such assistance as may be necessary, and the District Magistrate may issue appropriate directions, which shall be complied by the District head of the Department concerned without demur or delay.

(4) The Commissioner of a Division may, without prejudice to the statutory powers of the District Magistrate, give general directions to a District Magistrate in his division in respect of any of the matters specified under this section and the District Magistrate shall give effect to such directions.

### **15. Railway Police :-**

(1) The State Government may, by notification, create one or more special police districts covering such railway areas in the State as it may specify, and may appoint an Inspector-General, Deputy Inspector-General, Assistant Inspector-General, Superintendent of Police, one or more Assistant and Deputy Superintendent of Police and such other Police Officers for each such special district as it may deem necessary.

(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 jurisdiction, and such other functions as the State Government may, from time to time, assign.

(3) The State Government may by general or special order empower any Police Officer to discharge such police functions as may be specified, within the special police district or any part thereof, and exercise the powers of an officer-in-charge of a Police Station in that district, and such Police Officer while exercising such powers 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 issued by the State Government, such Police Officers shall, in the discharge of their functions, be vested within the State with the powers and privileges and be liable under this Act or any other law for the time being in force.

(5) The Superintendent of Police may, with the previous approval of the State Government, delegate any of the powers and functions conferred on him under this section to an Assistant or Deputy Superintendent of Police subordinate to him.

#### **16. State Intelligence And Criminal Investigation Departments :-**

(1) The State Police Organization shall have a State Intelligence Department for coordination, analysis and dissemination of intelligence, and a State Criminal Investigation Department for taking up investigation of inter-State and inter-district crimes and other important cases as may be entrusted by the Director-General of Police from time to time.

(2) The State Government may appoint a Police Officer not below the rank of Inspector-General of Police to be the head of each of the two Departments.

(3) The State Criminal Investigation Department shall have specialized wings to deal with different types of crime requiring focused attention or special expertise for investigation, and each of these wings shall be headed by a Gazetted Police Officer of appropriate rank.

(4) The State Intelligence Department shall have similarly, specialized wings to coordinate specialized tasks such as security, counter - terrorism, counter - militancy, internal security etc., and each of these wings shall be headed by a Gazetted Police Officer of appropriate rank.

(5) The State Government shall determine the strength of various ranks in the State Criminal Investigation Department and State Intelligence Department.

#### **17. Organisation Of Technical And Support Services :-**

(1) The State Government shall create and effectively maintain a Directorate of Forensic Science dedicated to providing independent forensic reports to the Police which shall be comprised of a Forensic Science Laboratory at the State-level, a Regional Forensic Science Laboratory for every Police Range and a Mobile Forensic Science Unit for every Police District, with appropriate equipment and scientific manpower, in accordance with the guidelines laid down by the Directorate of Forensic Science or the Bureau of Police Research and Development.

(2) There shall be a Directorate of Police Communications and

Technical Services for the purpose of providing reliable and dedicated communications, informatics and other technical support at all levels of the Police Organization which shall be headed by an officer not below the rank of Deputy Inspector-General of Police with as many Superintendents of Police and Deputy Superintendents of Police, to assist him, as deemed necessary.

(3) The State Government shall frame Recruitment and Promotion Rules, specifying the qualifications and experience required to man these posts.

### **18. Appointment Of Director Of State Police Training Academy And Principals Of Police Training College And Schools :-**

(1) The State Government may establish a Police Training Academy at the State level for in-service training of Gazetted Police Officers, a Police Training College for in-service training to Non-Gazetted Police Officers Grade-I and such number of Police Training Schools as may be necessary for in -service training to the Non-Gazetted Police Officers Grade- II of the various wings of the Police organization.

(2) The State Government shall appoint a Police Officer not below the rank of Inspector- General to be the Director of the State Police Training Academy and an officer not below the rank of Deputy Inspector-General to be the Principal of the Police Training College and an officer not below the rank of Superintendent of Police to be the Principal of each Police Training School.

(3) The Academy, College and Schools established under subsection (1) shall include faculty from amongst the Police and related services as well as from academic institutions, as may be prescribed, and the Director of the Academy shall present an Annual Report on behalf of all the Training institutions to the State Police Board.

(4) The State Government may evolve a scheme of monetary and other incentives to attract and retain the best talent available in the Police and related services to the faculty of such training institutions.

### **19. Special Police Officers :-**

(1) The State Government may prescribe procedures for appointment of Special Police Officers to assist the Police Service and prescribe the terms and condition of their appointment.

(2) Subject to sub-section (1), a District Superintendent of Police generally or specially empowered in this behalf by the State Government, may, at any time by a written order signed by him under his seal, appoint any able-bodied and willing person above the age of 18 years, whom he considers fit, to be a Special Police Officer.

(3) Every Special Police Officer appointed under sub-section (2) 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 under this Act.

## **20. Deployment Of Additional Police :-**

(1) Subject to general or special directions of the State Government, the Superintendent of Police may, in consultation with the District Magistrate, on application made by any person or body corporate showing the necessity thereof, depute such additional number of Police Officers as may be necessary at any place within the Police District and such additional force shall be exclusively under the control of such Superintendent of Police and shall be at the charge of the person or body corporate making the application; Pro- vided that such person or body corporate may, by giving 15 days notice, seek withdrawal of such Police Officers and shall be deemed to have been released from the charge on expiration of the notice period.

(2) Wherever any Public work or Public utility or any manufacturing or commercial concern is in operation and it appears to the Director-General of Police that deployment of an additional Police force in such place is necessary in the interest of maintenance of the public peace or an essential service because of the likelihood of strike or other action by employees of such Public work, Public utility or manufacturing or commercial concern, or other persons, he may, with the consent of the State Government, depute appropriate additional force to such place for as long as may be necessary and make orders requiring the payment of such extra force to be made by the management of such work, utility or concern, and the management of such public work, public utility or manufacturing or commercial concern, as the case may be, shall thereupon cause payment to be made accordingly.

(3) All moneys payable under sub-sections (1) and (2) above shall be recoverable by the District Magistrate in the manner provided in sections 421 and 422 of the Code of Criminal Procedure, 1973, for

recovery of fines, or by suit in any competent Court.

## **21. Maintenance Of Records And Returns :-**

(1) The Director-General of Police, Inspector- General, Deputy Inspector- General or District Superintendent of Police shall maintain such records and submit such returns in such form and in such manner as may be prescribed.

(2) Subject to sub-section (1) the Director-General of Police may, by special or general Standing Orders, specify the nature and format of records to be maintained and reports and returns to be submitted by the District, Range and Zonal level officers of the Police Organisation and of the specialized wings and the Armed Police, and may also specify the procedure to be followed for the purpose, including computerization thereof.

## **22. Research And Development :-**

The State Government may set up a Police Research and Development Bureau, to be headed by an officer not below the rank of Additional-Director General of Police, independent of the Police Organization, to undertake surveys and studies and provide advice and recommendations to the State Government on matters relating to improving the efficiency of policing services.

## **CHAPTER 3 THE CIVIL POLICE : CONTROL DUTIES AND RESPONSIBILITIES**

### **23. Recruitment :-**

(1) The Civil Police shall comprise of Officers of Himachal Pradesh Police other than Armed Police, and the strength of various cadres of the Civil Police shall be as prescribed by the State Government from time to time.

(2) Recruitment to the Civil Police shall be made in accordance with Recruitment and Promotion Rules framed by the State Government. The Director-General of Police, subject to the provisions of this Act, shall cause an annual recruitment to be conducted to all Non-Gazetted vacancies in the Civil Police required to be filled by direct recruitment.

(3) Every Civil Police Officer, on initial recruitment shall undergo induction training at the Police Training School in the case of Non-Gazetted Police Officers Grade-II, and Police Training College, in the case of Non- Gazetted Police Officers Grade-I, and Police

Training Academy in the case of Gazetted Officers, and the period and syllabus of the training shall be such as may be prescribed from time to time on the recommendations of the Director-General of Police, subject to the general directions of the State Police Board.

#### **24. Oath Or Affirmation On First Appointment :-**

Every Civil Police Officer on first appointment shall make and subscribe an oath or affirmation in the form set out in Schedule-I to this Act, before the appointing authority or such Gazetted Officer as the State Government may specify by general or special order in this behalf.

#### **25. Certificate Of Appointment :-**

(1) Each Non-Gazetted Civil Police Officer on first appointment, shall be issued a certificate of appointment in the form given in Schedule-II to this Act, an insignia bearing the acronym H.P.P. and a distinctive enrolment number from a District Roll for a member of the District Cadre and from a State Roll for a member of the State Cadre.

(2) Each Gazetted Police Officer other than a Member of the Indian Police Service on first appointment to the service shall be issued an insignia bearing the acronym H.P.S.

(3) The Certificate of appointment and insignia shall be deemed as withdrawn and shall be surrendered forthwith to the appointing authority, in case the Police Officer ceases to be a member of the State Police Service, and shall be deposited with the appointing authority in case he has been suspended from the Service.

#### **26. Uniform And Badges Of Rank :-**

(1) The State Government shall by general or special order published in the Official Gazette, specify the uniform for the various ranks in the Civil Police and the protocol with respect to duties and the wearing of the uniform.

(2) The State Government shall, by general or special order published in the Official Gazette, specify the badges of rank and other distinctive badges that may be worn with the uniform.

#### **27. Scale Of Arms And Ammunition :-**

(1) The armament of the Civil Police shall be fixed by the orders of the State Government in an Equipment Table and Government

shall from time to time issue instructions regarding procurement of armaments.

(2) Distribution of arms to districts shall be fixed on the order of the Director-General of Police, who by means of Standing Orders shall lay down the procedures to be followed for custody and care of arms, ammunition, stock of material for repair and maintenance, and the manner in which damaged and unserviceable weapons are to be disposed off and the procedure in case of loss of any weapon or ammunition.

## **28. Control And Supervision :-**

(1) The Station House Officer shall assign work and shall control and supervise the functioning of the staff of the Police Station and Police Posts in his charge.

(2) The Sub-Divisional Police Officer shall generally control and supervise the Police Stations under his charge, and issue such directions as may be necessary.

(3) The District Superintendent of Police shall generally control and supervise the work of the Sub-Divisional Police Officers and Police Stations and Police Posts in the district and issue such directions as may be necessary.

(4) The Range Deputy Inspector-General and Zonal Inspector-General shall generally control and supervise the work of the Districts in the Range and the Zone respectively.

(5) For other civil police units the Director-General of Police may by special standing order, specify the controlling and supervisory authorities.

(6) Subject to the provisions of this Act and the rules made thereunder, the Director -General of Police by general or special Standing Orders may specify the functions to be performed by the various ranks of Civil Police in relation to each duty and responsibility.

(7) Subject to general or special standing orders of the Director-General of Police, the controlling and supervising officer of the Police Station, Police Sub-Division, Police District or other Civil Police unit may by means of an order communicated in writing, specify the functions to be performed by various ranks of the Civil Police under his control.

( 8 ) For the better management, control and supervision of specialized duties and for the professional development of the members of the Civil Police, the State Government may constitute

cadres or sub-cadres within the State Police Service and shall within two years from the commencement of this Act, create special cadres in the State Police Service for Investigation of serious offences.

### **29. Conduct And Discipline :-**

(1) Every Civil Police Officer shall perform to the best of his ability, the functions required from him in relation to any duty or responsibility assigned to him, subject to the provisions of this Act, rules made thereunder and the general or special standing orders of the Director-General of Police.

( 2 ) Any non-performance or deficiency in the standard of performance of duties or responsibilities shall constitute misconduct and shall make the Police Officer liable for disciplinary action in accordance with conduct and disciplinary rules prescribed by the State Government for the purpose.

### **30. Mounted Police :-**

(1) There may be in each District, such number of Mounted Police, as may be determined from time to time by the State Government, for the purpose of patrols, crowd control and access to difficult areas.

(2) The Director-General of Police shall issue standing orders with regard to procurement, management and maintenance of the remounts and for the training of the mounted police.

## **CHAPTER 4 THE ARMED POLICE**

### **31. District Armed Reserves And State Armed Police Battalions :-**

In order to assist the civil police promptly and efficiently in dealing with acts involving or likely to involve breach of the peace or breakdown of law and order and also to assist in management of disasters, 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, and recruitment to such Armed Police shall be made in accordance with the Recruitment and Promotion Rules framed by the State Government.



### **32. Role And Functions :-**

(1) The Armed Police Battalions shall 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 breaches of the peace or breakdown of law and order or situations arising out of disasters in a local area beyond the management resources of the civil police:

Provided that the Director - General of Police by general or special order, may earmark one or more service companies of a Battalion to be deployed on the orders of the Range Deputy Inspector-General as a quick response unit.

(2) The District Armed Reserve shall function under the control, direction and supervision of the District Superintendent of Police as the armed wing of the district police to deal with any local law and order problem or local disaster in the District, and for providing escort to violent or dangerous persons in lawful custody, or such other duties as may be determined by the Director- General of Police by regulations from time to time.

### **33. Structure Of The Armed Police Organization :-**

(1) A Commandant, equivalent in rank to a Superintendent of Police, shall head each Armed Police Battalion. The Commandant shall be assisted by a Deputy Commandant, equivalent in rank to an Additional Superintendent of Police, who shall be the second-in command of the Battalion. Each Battalion shall be divided into appropriate number of Service Companies and a Headquarter Company, each headed by an Assistant Commandant, equivalent in rank to a Deputy Superintendent of Police.

(2) The Armed Police Organization of the State shall be headed by an officer of the rank of Deputy Inspector-General or above who shall be responsible for the administration, training, operational preparedness and welfare of Officers of all the armed police units in the State, under the overall guidance and supervision of the Director-General of Police.

(3) In fixing the strength of senior officers for the Armed Police Organization, it shall be ensured that for supervising the functioning and preparedness of every three or four Battalions, a senior officer of the rank of Deputy Inspector-General is deployed and if there are two such Deputy Inspectors-General, the Armed Police Organization shall be headed by an officer of the rank of at

least Inspector-General.

(4) The duties of the head of the Armed Police Organization, the Deputy Inspector-General, the Commandant, Deputy Commandants, Assistant Commandants and Reserve Inspectors shall be prescribed by the State Government in consultation with the Director-General of Police.

### **34. Rotation Between Battalions And Armed Reserves :-**

Officers of District Armed Reserves and Armed Police Battalions shall be rotated from time to time in accordance with general or special Standing Orders of the Director-General of Police. No direct recruitment of Non-Gazetted Police Officers Grade-II shall be made to District Armed Reserves, and all vacancies shall be held in Battalions and the Director-General of Police shall cause all direct recruitment vacancies to be filled up every year in accordance with the Recruitment and Promotion Rules.

### **35. Oath Or Affirmation On First Appointment :-**

Every member of the Armed Police on first appointment shall make and subscribe an oath or affirmation in the form set out in Schedule-I to this Act before the Commandant of the Battalion or such Gazetted Officer as the Government may specify by general or special order in this behalf.

### **36. Certificate Of Appointment :-**

(1) Every Non-Gazetted Officer of the Armed Police on first appointment shall be issued a certificate of appointment in the form given in Schedule-II to this Act and insignia bearing the acronym H.P.A.P. and a distinctive enrolment number that shall run serially for the entire Armed Police, separately for the Non-Gazetted Police Officers Grade-II, and for Non-Gazetted Police Officers Grade-I.

(2) The certificate of appointment and insignia shall be deemed as withdrawn and shall be surrendered forthwith in case the Police Officer ceases to be a member of the Armed Police, and shall be deposited with the appointing authority in case he has been suspended from the service.

### **37. Uniform And Badges Of Rank :-**

(1) The State Government shall by general or special order published in the Official Gazette, specify the uniform for the various

ranks in the Armed Police and the protocol with respect to the duties and wearing of the uniform.

(2) The State Government shall, by special or general order published in the Official Gazette, specify the badges of rank and other distinctive badges that may be worn with the uniform.

### **38. Conduct And Discipline :-**

(1) Every Armed Police Officer on duty shall ensure the maintenance of peace and tranquility to the best of his ability and shall--

(i) obey without delay, all lawful orders of his official superiors issued for the maintenance of law and order;

(ii) not exercise his discretion to use disproportionate or excessive force;

(iii) not exercise his discretion to refrain from using appropriate force to maintain the public peace, on extraneous considerations or in pursuance to orders or suggestions from a person other than his official superior; and

(iv) not use his position, uniform or arms to intimidate any person other than when required in the proper discharge of his duties.

### **39. Training :-**

(1) All members of the Armed Police on initial recruitment shall undergo induction training in batches at the Police Training School, in the case of the Non-Gazetted Police Officers Grade-II, and Police Training College, in the case of Non-Gazetted Police Officers Grade-I. The period and syllabus of the training shall be as may be prescribed.

(2) All ranks in the Armed Police units shall undergo annual refresher training programmes by rotation and such specialized training as may be needed by different categories, determined by general or special order of the Director-General of Police.

(3) Each Battalion shall have one full Company earmarked as the "Training Reserve" to provide for rotational training to all Officers.

(4) The content and methodology of the annual refresher training courses as well as the other specialized courses for the Officers of the District Armed Reserve and State Armed Police Battalions shall be such as may be prescribed on the recommendations of the Director-General of Police, subject to general directions of the State Police Board.

#### **40. Deployment :-**

(1) The deployment of Units and Sub-units of the District Armed Reserves and the State Armed Police Battalions shall be in accordance with the provisions of section 32 of this Act and shall be strictly restricted only to those situations where such deployment is considered absolutely necessary.

(2) The deployment shall be made for a fixed period, as specified in the order, and unless the period is extended by a specific order, the force shall return to its headquarters on the expiry of the deployment period.

(3) It shall be the duty of the District Superintendent of Police, in the case of a District Armed Reserve, and the head of the Armed Police Organization for the State, in the case of a Battalion, to ensure that the Officers of these armed units are deployed in a manner that ensures their regular training and constant preparedness for their tasks, as also a fair rotation of duty.

(4) While ordering deployment of any armed police unit, due care shall be taken to ensure that subject to requirements of law and order, the Officers get sufficient rest and also avail a weekly day off.

#### **41. Arms, Equipment, Mobility, Communications Etc. :-**

(1) The armament of the Armed Police shall be as fixed by the orders of the State Government in an Equipment Table and items shown in the Equipment Table shall be obtained in the manner prescribed.

(2) Distribution of arms to the Battalions and District Armed Reserves shall be fixed on the order of the Director-General of Police, who shall also lay down the procedure to be followed for custody and care of arms, ammunition, stock of material for the repairs and maintenance, and manner in which damaged and unserviceable weapons are to be disposed off and the procedure in case of loss of any weapon or ammunition.

(3) The adequacy of arms, equipment, mobility and communications etc. for each Battalion as well as the District Armed Reserve shall be assessed regularly on an annual basis by the officer heading the State Armed Police Organization in consultation with the Commandant and the District Superintendent of Police concerned.

#### **42. Annual Report :-**

The Director-General of Police shall place an annual report before the State Police Board, showing details of deployment of District Armed Reserves and Battalions, the state of their preparedness and training, including adequacy of men, arms, equipment, mobility, communications etc.

## **CHAPTER 5 ADMINISTRATION AND SUPERINTENDENCE**

### **43. Administration Of The Police :-**

(1) The administration of the Police throughout the State shall vest in the Director-General of Police and in such Additional Directors-General, Inspectors-General, Deputy Inspectors-General and other officers as the State Government may appoint, subject to the overall control of the Director-General of Police.

(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 administrative powers by the Director-General of Police or any other competent police authority in exceptional cases involving urgent public interest, for reasons to be recorded in writing, and all such cases shall be brought before the State Police Board in its next meeting.

### **44. Powers And Responsibilities Of The Director- General :-**

(1) The Director- General of Police shall be responsible to--

(i) advise the State Government and the State Police Board in all matters of policing;

(ii) implement the policies, the strategic Policing Plan and the annual policing sub- plans laid down by the State Government in consultation with the State Police Board;

(iii) administer and supervise the Police Service to ensure its efficiency, effectiveness, responsiveness and accountability; and

(iv) issue directions irrespective of any general executive instructions to the contrary, but subject to the provisions of this Act and rules made thereunder, for recruitment of Non-Gazetted Police Officers Grade-II and Non-Gazetted Police Officers Grade-I to fill in existing and anticipated vacancies on the basis of the sanctioned strength, in accordance with the Recruitment and Promotion Rules.

### **45. Superintendence Of State Police To Vest In The State Government :-**

(1) The State Government shall ensure an efficient, effective, responsive and accountable Police Service for the entire State and for this purpose, the superintendence of the Police Service throughout the State shall vest in and be exercised by the State Government in accordance with the provisions of this Act.

(2) The State Government shall exercise its superintendence over the Police Service so as to promote the professional efficiency of the Police and to ensure that Police performance is at all times in accordance with the law, and shall lay down policies and guidelines, set standards for quality policing, facilitate their implementation and ensure that the police force performs its duties in a professional manner with functional autonomy.

#### **46. State Policing Plans, Objectives Of Policing And Priorities :-**

(1) The State Government shall, on the basis of a report of the Director-General of Police and on the recommendations of the State Police Board, finalize a strategic Policing Plan with annual Sub-Plans covering a five year period, in such a way that successive Plans overlap for the last year of the previous plan and first year of the succeeding plan:

Provided that the Director-General of Police, in making his report, shall be guided by reports of the District and State Units, duly identifying the objectives of policing sought to be achieved during the period and the action plan proposed for their implementation.

(2) The State Government shall lay a copy of the strategic Policing Plan and annual Sub-Plan before the State Legislature as soon as it is finalized.

(3) The State Government at the beginning of each financial year shall also place a progress report on the implementation of the strategic Policing Plan as well as the annual Sub-Plan for the preceding year before the Vidhan Sabha.

#### **47. Mechanism For The Evaluation Of Performance Of The Police :-**

(1) The State Government shall evolve and put in place mechanism for the evaluation of performance of the Police Service in the State as a whole and also district-wise.

(2) Without affecting the generality of these provision, the Director- General of Police shall make regulations for the purpose of

ensuring--

- (i) inspections at least once a year by the Range Deputy Inspector-General of all the Districts in each Range; and
- (ii) inspection at least twice a year by a Gazetted Officer of the District, including one inspection by the Superintendent of Police personally, of each Police Station and Police Post in every District: Provided that the regulations shall inter alia, specify the form of the inspection, the methodology and the content and shall endeavour to make the inspection an effective instrument for performance evaluation.

#### **48. Establishment Of State Police Board :-**

The State Government shall establish a State Police Board to facilitate the laying down of policies, evaluate performance and ensure the functional autonomy of State Police Service, which shall function in the manner provided in this Act. The Board shall meet as often as deemed necessary, but at least once in three months.

#### **49. Composition Of Board :-**

(1) The State Police Board shall consist of-

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(i) the Chief Minister	... Ex-officio Chairperson;
(ii) the Minister-in-Charge of Home (if it is other than the Chief Minister)	...Ex-officio-vice Chairperson;
(iii) the Leader of Opposition of the State Legislative Assembly, Himachal Pradesh.	... Ex-officio Member;
(iv) Chief Secretary to the Government of Himachal Pradesh.	...Ex-officio Member;
(v) Principal Secretary (Home) to the Government of Himachal Pradesh.	...Ex-officio Member;
(vi) Principal Secretary (Social Justice & Empowerment) to the Government of Himachal Pradesh.	...Ex-officio Member;
(vii) Principal Secretary (Finance) to the Government of Himachal Pradesh.	...Ex-officio Member;

(2) No serving Government employee shall be appointed as a Non- Official Member and any vacancy in the State Police Board shall be filled up as soon as practicable but not later than three months after the seat has fallen vacant. However, no

proceeding of the Board shall be deemed to be invalid on account of any vacancy.

## **50. Panel For Selection Of Non- Official Members :-**

( 1 ) Non-Official Members of the State Police Board shall be appointed on the recommendation of a Selection Panel which shall consist of-

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(viii) Director of Prosecution	...Ex-officio Member;
(ix) Director Forensic Science	...Ex-officio Member;
(x) Director State Police Training Academy.	...Ex-officio Member;
(xi) Three persons of proven reputation for integrity and competence out of whom atleast one shall be a women member, to be appointed from the fields of academia, law and public administration, on the recommendations of the Selection Panel constituted under section 50.	Non-official Members;
(xii) The Director-General of Police .	,.. Member- Secretary.
(a) the Lokayukta, Himachal Pradesh	... Chairman;
(b) the State Chief Information Commissioner, Himachal Pradesh.	... Member; and
(c) the Chairman of the State Public Service Commission	... Member.

(2) The State Government shall provide a short-list of 4 suitable persons along with their bio-data against each vacancy. The Panel shall make its selections out of the short-list unless, for reasons to be communicated, the Panel is unable to make a selection; in that event the State Government shall provide another short-list of suitable persons.

(3) The Selection Panel shall evolve its own transparent procedure for selection of the Non-Official Members.

## **51. Disqualifications :-**

A person shall be disqualified for being appointed as or for being a Non-Official Member of the State Police Board if he-

- (i) is not a citizen of India; or
- (ii) has a charge-sheet filed against him in a Court of law in a criminal case; or
- (iii) has been dismissed or removed from service under any State or Central Government or Government Organization or compulsorily retired therefrom on the grounds of corruption or misconduct; or



- (iv) holds public office, including that of Member of Parliament or State Legislature, or is an office-bearer of any political party or any organization connected with a political party; or
- (v) is of unsound mind.

## **52. Term Of Office And Remuneration Of Non- Official Members :-**

- (1) The term of office of a Non-Official Member of the Board shall be three years and he shall be eligible for reappointment only for one more term.
- (2) A person appointed as a Non-Official Member may resign his position by a written communication addressed to the Chairman of the Board.
- (3) A Non-Official Member shall be entitled to a sitting fee of Rs. 1000 per day for effective sitting of the Board and shall be entitled to travelling allowance and daily allowance as per rules of the State Government in this behalf.

## **53. Functions Of The State Police Board :-**

- (1) The State Police Board shall--
  - (i) approve broad policy guidelines , including five-years strategic Policing Plans and annual policing Sub-Plans, for promoting efficient, effective, responsive and accountable policing, in accordance with the law;
  - (ii) approve from time to time the sanctioned strength of the various ranks of the Non-Gazetted Police Officers and Gazetted State Police Service Officers;
  - (iii) identify performance indicators to evaluate the functioning of the police service and these indicators shall, inter alia, include operational efficiency, public satisfaction and proper utilization of resources; and
  - (iv) review and evaluate organizational performance of the State Police against the five-year strategic Policing Plan and annual policing Sub-Plans and performance indicators as identified and laid down by the State Police Board.
- ( 2 ) The Board shall make recommendations to the State Government in respect of matters specified under sub-section (1), which shall normally be binding on the State Government and the action taken on the recommendations shall be communicated to the Board within a period of three months:  
Provided that if the Government is of the opinion that it is not

feasible in the public interest to give effect to any recommendation of the Board, it shall communicate the reasons thereof which shall be placed before the Board in its next meeting.

#### **54. Transaction Of Business :-**

(1) Notice for meetings of the Board shall be issued by the Member-Secretary at least 15 days before each meeting. Members wishing to raise an item shall send notice so as to reach the Member-Secretary at least 7 days in advance and items shall be taken up with the approval of the Chairman of the Board.

(2) All meetings shall be held in Shimla unless the Board decides otherwise. A record of proceedings of the Board shall be maintained by the Member- Secretary who shall cause them to be circulated, with the approval of the Chairman, within 15 days of each meeting.

(3) The quorum for a meeting of the Board shall be one-third of the total membership of the Board. In the absence of quorum, the meeting of the Board shall be adjourned to the same time on the next working day and no quorum shall be required for such adjourned meeting.

(4) The Board may devise its own procedure for transaction of business in accordance with provisions of this Act.

#### **55. Annual Report On The Working Of The Board :-**

(1) The Board shall, within three months after the end of each financial year present to the State Government a report on the work done by it during the year as well on the performance of the State Police, along with the annual policing Sub-Plan for the next year as approved by the Board. The report shall mention all cases where its recommendations were either not accepted or not responded to in accordance with the provisions of this Act.

(2) The State Government shall cause each such report to be laid before the State Legislature not later than two months of its receipt along with an action taken report.

#### **56. Police Establishment Committees :-**

(1) There shall be a State Police Establishment Committee headed by the Director-General of Police and comprising four senior police officers not below rank of Inspector-General of Police, nominated by the Director- General of Police. The State Police Establishment Committee shall be responsible to--

(i) approve all postings and transfers of Non-Gazetted Police Officers between the various wings of the police organization, and deputation outside the organisation and for inter-range transfers in all the wings with the prior approval of the Government in accordance with directions in this regard;

(ii) approve the issue of general policy directions and Standing Orders to the Deputy Inspector-General and District Superintendent of Police on transfers within their jurisdiction;

(iii) hear and dispose off representations against transfer orders issued by authorities subordinate to the Director-General of Police;

(iv) recommend proposals for postings and transfers of Gazetted Police Officers to the State Government subject to provisions of this Act and relevant rules; and

(v) make recommendations to the State Government with regard to representations in service matters from Gazetted Police Officers:

Provided that the Director-General of Police may, with the previous approval of the State Government, constitute an Establishment Committee for any specific unit within the Police Organisation for making postings and transfers of Non-Gazetted Police Officers within such unit.

#### **57. Police Gazette :-**

The Director-General of Police shall cause to be published each month a Police Gazette containing Departmental Orders, notifications and circulars of general interest for circulation within the Police Organisation; and shall publish appropriate portions of the publication on the Police Department website.

#### **58. Financial Management :-**

(1) The Director-General of Police shall be responsible for submitting the budgetary requirements of the Police Service as a whole to the State Government, sufficiently in advance.

(2) The budgetary allocation shall be placed at the disposal of the Director-General of Police who shall be vested with powers to spend the amounts earmarked under each head of the budget.

#### **59. Recognition Of Meritorious Service :-**

The State Government shall, with the approval of the State Police Board, frame a scheme for recognition of Non-Gazetted and Gazetted Police Officers who have done exceptionally meritorious

work or who have shown devotion to duty of the highest order , and the State Police Board shall, every year recommend to the State Government names of suitable Police Officers for public recognition in accordance with the provisions of the scheme.

## **CHAPTER 6** ROLE, FUNCTIONS, DUTIES & RESPONSIBILITIES OF THE POLICE

### **60. The Role And Functions Of The Police :-**

(1) Subject to the assignment of specific duties on units or individual members of the State Police by general or special orders, the general role and functions of the Police Service shall be to--

- (i) act as upholders of the law and to protect life, liberty, property and human rights of the members of the public; and develop and maintain a feeling of security in the community;
- (ii) promote and preserve public order and prevent nuisance in public places;
- (iii) protect internal security, prevent and control terrorist activities, riots, insurgencies, industrial or other strikes, breaches of communal harmony, extremist violence, militant activities and other situations affecting internal security;
- (iv) protect public properties and public infrastructure;
- (v) prevent offences and reduce the opportunities for the commission of offences through preventive action, intelligence gathering and community participation;
- (vi) investigate all offences impartially and professionally using scientific methods, and to apprehend the offenders;
- (vii) assist in the prosecution of offenders by ensuring proper presentation of the investigation in a Court of law;
- (viii) provide, as first responders, all possible help and succour to people in situations arising out of natural or man-made disasters and to provide active assistance to other agencies engaged in relief and rehabilitation measures;
- (ix) aid individuals who are in danger of physical harm to person or property, and to provide necessary services and afford relief to people in distress situations;
- (x) facilitate orderly movement of people in public places, ensure their general safety and security and regulate public gatherings, fairs and processions for the purpose;
- (xi) control and regulate traffic on streets, roads and highways; and generally in public places and prevent obstruction;
- (xii) collect intelligence relating to matters affecting the public

peace, crimes including social and economic offences and organized crime, communalism, extremism, terrorism and other matters relating to national security, and take all necessary action to maintain the public peace and prevent crime;

(xiii) provide guards in accordance with Standing Orders in this behalf, for treasuries, lock-ups and other locations, as sanctioned by the State Government from time to time;

(xiv) provide escorts over prisoners or others in lawful custody or for valuables in accordance with Standing Orders issued by the Director-General of Police from time to time; and

(xv) perform such other functions as may be required under this Act and any other law for the time being in force, or as may be prescribed.

## **61. Social Responsibilities Of The Police :-**

(1) Every Police Officer shall--

(i) behave with the members of the public with due courtesy and decorum;

(ii) guide and assist members of the public particularly elders, women, children, the poor and indigent and the physically or mentally challenged individuals who may need help and protection;

(iii) prevent harassment of elders, women and children in public places and public transport;

(iv) render all requisite assistance to the members of the public, particularly elders, women, children, and the poor and indigent persons, against criminal exploitation by any person or organized group;

(v) arrange for legally permissible sustenance and shelter to every person in custody and make known to all persons in custody provisions of legal aid Schemes being enforced in the State and also inform the authority concerned to provide such aid;

(vi) provide all requisite assistance to victims of crime and of road and other accidents and in particular ensure that they are given prompt medical aid, at the nearest facility equipped for the purpose;

(vii) assist victims of crime and accidents or their next of kin with such information and documents as would facilitate their compensation claims or would enable them to meet any legal requirements; and

(viii) extend a positive response to victims of crime or their next of kin and to witnesses, during investigation of the offence and

prosecution of the offenders.

(ix) Police Officers shall at all times remain accountable to the law and responsive to the lawful needs of the people and shall observe strict code of ethical conduct and integrity.

## **62. Duties Of The Police Service :-**

(1) The primary responsibility for the discharge of role and functions of the Police under this Act, shall, unless specified otherwise, be with the Police of the District concerned, headed by the District Superintendent of Police:

Provided that the State Government may by general order, create or designate special units at District or Police Station level for criminal investigation, traffic, intelligence, law and order etc. and in such a case the responsibility for discharge of the functions specified in the order shall be with such unit.

(2) It shall be the duty of every Police Officer posted to a State Unit, to discharge the role and functions assigned to him to the best of his ability by the proper exercise of powers conferred upon him under this Act or any other law for the time being in force.

## **63. Superior Police Officer May Himself Perform Duties Of A Subordinate Officer :-**

A Police Officer of a rank superior to that of a constable may perform any duty assigned by law or by a lawful order to any officer subordinate to him, and in the case of any duty imposed on such subordinate, a superior may aid, supplement, supersede or prevent any action of such subordinate by his own action or that of any person lawfully acting under his command or authority, whenever it appears necessary or expedient, for giving more complete or convenient effect to the law or for avoiding any infringement thereof.

## **64. All Persons Bound To Comply With The Reasonable Directions Of A Police Officer :-**

All persons shall be bound to comply with the reasonable and lawful directions given by a Police Officer in the discharge of his duties under this Act. Where any person resists, refuses or fails to comply with any such direction, a Police Officer may, without prejudice to any other action, remove such person or arrest and produce him before the nearest Judicial Magistrate having jurisdiction as soon as

possible and in any case within a period of twenty four hours.

## **65. Arrest And Detention :-**

(1) A Police Officer effecting an arrest or detaining a person in accordance with the law shall--

(i) Wear or display accurate, visible and clear identification, including name, rank and the name of the organization he represents;

(ii) prepare a memo of arrest at the time of arrest, giving the date, time and place of the arrest and forthwith send a written communication to his immediate superior;

(iii) inform the person arrested of his right to have some one of his choice, as a next friend notified of his arrest or detention as soon as he is put under arrest or is detained, and forthwith cause such a person to be notified as soon as possible, but not later than 24 hours;

(iv) make an entry in the diary at the place of detention regarding the arrest of the person specifying the name of the next friend of the person arrested who has been informed of the arrest and the names and particulars of the Police Officer in whose custody the person arrested is;

(v) arrange for immediate medical examination by a doctor designated for the purpose and for further medical examination every 48 hours during his detention in custody;

(vi) send copies of all the documents, including the memo of arrest, to the Magistrate having jurisdiction in accordance with the provisions of the law.

(vii) permit the person arrested to meet his lawyer in such manner as may be prescribed; and

(viii) cause the name and other particulars of the person arrested to be displayed in the notice board at the place of detention and at such other places as may be prescribed.

(2) In making an arrest or detaining a person or keeping an arrested person in custody, only that amount of force shall be used as may be reasonably required to ensure that there is no possibility of escape, and handcuffing of a person arrested or in lawful police custody shall be resorted to only when there is a reasonable apprehension that such a person may turn violent, attempt suicide, escape, or be forcibly released from arrest or detention.

(3) The Director-General of Police shall by Standing Orders, prescribe detailed procedure in respect of matters under this

section.

## **66. Conduct Prohibited For Police Officers :-**

(1) No Police Officer shall withdraw himself from the duties of his office unless expressly allowed to do so by an officer authorized by the State Government.

(2) No Police Officer shall resign his office unless he has given notice in writing to his superior officer of not less than three months.

(3) No Police Officer shall engage in any other employment or office unless expressly permitted to do so, in writing, by the competent authority.

## **CHAPTER 7 POLICING IN RURAL AREAS**

### **67. Police Services In Rural Areas :-**

(1) The territorial jurisdiction of a Police Station shall be divided into a suitable number of beats, each covering a village or part thereof, or a cluster of villages, to be kept under the direct charge of a Non-Gazetted Police Officer Grade-II (called Beat Officer) for maintaining regular and close contact with the villages under his charge.

(2) The officer-in-charge of each Police Station shall ensure that every village in his jurisdiction is covered by the Beat Officer in the manner prescribed by the Superintendent of Police of the District by a general or special order.

(3) The State Government shall, by notification, publish a scheme for designation or appointment of suitable persons as local guards, for a village, cluster of villages or a Beat and assign them such duties, responsibilities and functions, from time to time as may be required in the public interest, for gathering of intelligence, and for assistance in the prevention of crime and maintenance of law and order.

Explanation.--for the purposes of this Chapter, rural areas include all areas other than urban Police Districts, Police Sub-Divisions and Police Stations covered under Chapter -VIII of this Act.

### **68. Duties And Responsibilities Of The Beat Officer :-**

(1) The duties and responsibilities of the Beat Officer shall be in respect of his Beat, to--

(i) maintain liaison with community elders, members of the



Panchayat residing in that village, the local Numberdar, local officials such as Patwari, Forest Guard and Chowkidar of the Panchayat , and residents of each village under his charge, and to review, during every visit, the crime prevention measures in the village;

(ii) collect information relating to crimes and criminals and activities of subversive, militant and anti-social elements, if any, in the village and communicate the same to the officer-in-charge of the Police Station;

(iii) maintain watch over history-sheeted criminals and bad characters, if any, and others with criminal record;

(iv) acquaint himself with local disputes having potential for violence or with caste/communal overtones, and inform the officer-in-charge of the Police Station with all available details;

(v) carry out any other policing task as may be assigned from time to time , including facilitation of witness protection, in respect of the villages assigned to the Beat;

(vi) keep a record any public grievances and complaints in relation to policing and inform the officer-in-charge of the Police Station promptly; and .

(vii) maintain in such manner as may be specified, a record of the duties and responsibilities carried out by him during his visits and submit the same to the officer-in-charge of the Police Station every month.

#### **69. Assistance To Gram Panchayat :-**

The officer-in-charge of a Police Station and the Beat Officer shall give immediate information, in the manner prescribed, under the Himachal Pradesh Panchayat Raj Act, 1994, to the Gram Panchayat, of any offence that has come to his knowledge and has been committed within the jurisdiction of the Panchayat and is triable by the Panchayat. He shall assist the Panchayat in the lawful exercise of its authority in all such matters.

#### **70. Village Visits By Office-Incharge Of Police Station And Supervisory Police Officers :-**

(1) The officer-in-charge of the Police Station shall cause to be maintained a Village Register in such manner as may be specified, entering therein major crimes, incidents or occurrences with potential for crime, based, inter alia on the monthly report of the Beat Officer, and shall classify villages as Sensitive or Non-

Sensitive Villages in consultation with the District Superintendent of Police.

(2) The officer-in-charge of a Police Station shall visit every village under his jurisdiction, in the manner specified by the Superintendent of Police through a general or special order, and while doing so, he shall visit villages that are recorded as Sensitive in the Village Register as a first priority.

(3) All supervisory officers including the Superintendent of Police shall visit as many villages in their jurisdiction as possible giving priority to sensitive villages. The purpose of such visits shall be to review the general state of crime, law and order situation and the activities, if any, of violent and militant individuals or group in the area and to generally acquaint themselves with the goings-on in the village having a bearing on crime, law and order or other policing tasks and to interact with as many local residents as possible so as to assess the level of public satisfaction with police service in the area.

(4) Wherever it appears, on the basis of information received, that there is likelihood of violence or major crime or damage to property in any area, the Superintendent of Police in consultation with the District Magistrate may direct the organization of a group of local and respectable persons for each village of that area for the purpose of carrying out preventive patrols, promoting crime reduction measures and generally assisting the police in their functioning. The group shall be called the Village Defence Committee and may consist of not more than fifteen members.

(5) Members of the Village Defence Committees shall be inducted by the Superintendent of Police in consultation with the local Panchayat, from amongst able-bodied persons, between the age of 25 and 45 years and with good character and antecedents, who are permanent residents of that village, have not been convicted by a court of law or charge-sheeted by the police in a criminal case, or dismissed, removed, discharged or compulsorily retired from any public employment on grounds of moral turpitude, corruption or misconduct, and are not office bearers of any political party; and in including the members, preference shall be given to Home Guards, Exservicemen and those who have earlier performed satisfactorily as member of the Village Defence Committee. The Superintendent of Police shall appoint one member as leader of the party, based on his experience and leadership qualities, and may remove or replace a member or the leader if his work or conduct is not satisfactory.

(6) A Village Defence Committee shall be organized for a period not

exceeding 180 days. Provided that the period may be extended further for another 180 days by the Superintendent of Police, in consultation with the District Magistrate, for reasons to be recorded in writing.

(7) Membership of the Village Defence Committee shall be voluntary and honorary and the members of the Village Defence Committee shall wear Photo-identification badges issued by the District Superintendent of Police while performing their duties.

(8) If person ceases to be a member of a Village Defence Committee, he shall forthwith deliver to the Superintendent of Police or to an officer authorized by him, the Photo-identification badge and all records and documents in his possession as a member of the Village Defence Committee.

## **71. Consultative Mechanism :-**

(1) The District Superintendent of Police, in consultation with the District Magistrate, shall constitute a Community Liaison Group for each Police Station, comprising respectable local residents of the area with unimpeachable character and antecedents, including retired public servants and heads of teaching institutions, if any, and other representatives of the community, to generally advise the police in their functioning. The Group shall have a fair representation of all segments of the society in villages falling in the Police Station area and not less than one-third of the Group shall comprise women. This Group shall have two representatives nominated from amongst its members by each Panchayat Samiti and one Member nominated from amongst its members by each Municipal Committee and Nagar Panchayat in the jurisdiction of the concerned Police Station:

Provided that no person convicted by a court of law or charge-sheeted by the police in a criminal case, or dismissed, removed, discharged or compulsorily retired from any public employment on grounds of corruption, moral turpitude or misconduct shall be eligible to be inducted in or continue in the Community Liaison Group:

Provided further that no office bearer of a political party shall be eligible to be included in the Group.

(2) The Superintendent of Police shall nominate one of the members of the Community Liaison Group as the Convener. The Group shall articulate the existing and emerging policing needs of the area, which will be taken into consideration by the

Superintendent of Police while preparing the strategic Policing Plan and annual sub-plan for the District and the Group shall perform such other functions as may be prescribed.

(3) The Group shall meet as frequently as necessary, but at least once in every month and the officer-in-charge of the Police Station shall attend all the meetings. Proceedings of each meeting shall be circulated by the Convener to its members and a copy shall also be forwarded to the officer-in-charge of the Police Station who shall endorse a copy thereof to the District Superintendent of Police and Sub-Divisional Police Officer alongwith his comments.

(4) Where it appears to the Sub-Divisional Magistrate or the Sub-Divisional Police Officer that it is expedient for the maintenance of public order or in other emergent circumstances to hold a meeting of the Community Liaison Group, he may either direct the Convener to convene a meeting or may convene a special meeting of the Group under his chairmanship.

## **CHAPTER 8 POLICING IN URBAN AREAS**

### **72. Constitution Of Urban Police Districts, Sub-Divisions And Police Stations :-**

(1) For the better policing of an urban area declared to be a Municipal Corporation or a Municipal Committee or a Nagar Panchayat, the Government may, on the basis of norms to be prescribed, create a Police Station, Police Sub-Division or Police District with the territorial jurisdiction of such urban area.

(2) A Police District or a Police Sub-Division or a Police Station, created under sub-section (1), shall be called an Urban Police District or Urban Police Sub-Division or Urban Police Station as the case may be.

### **73. Duties And Responsibilities Of Police In Urban Areas :-**

(1) Every Urban Police Station, Urban Police Sub-Division and Urban Police District shall have a Police Control Room operational 24 hours and fully equipped with communication and transport facilities, and emergency services as may be deemed necessary.

(2) Every Urban Police District shall have a separate traffic wing headed by a Police Officer of the rank of atleast Inspector.

(3) The Officer-in-charge of a Urban Police District, Urban Police Sub-Division and Urban Police Station shall be a special invitee in official meetings relating to town planning, essential services or

emergency services in such urban areas.

(4) Provisions of Chapter-VII of this Act shall apply mutatis mutandis to Urban Police Districts, Urban Police Sub-Divisions and Urban Police Stations.

## **CHAPTER 9 PUBLIC ORDER AND INTERNAL SECURITY**

### **74. Public Order, Internal Security And Disaster Management :-**

(1) The Director- General of Police shall cause to be framed a State Internal Security Scheme for the entire State as well as for each of the Districts and major urban areas, to deal with management of public order and shall place it before the State Police Board for its approval.

(2) The District level Internal Security Schemes shall be prepared by the District Superintendent of Police and shall be sent to the Director- General of Police along with the endorsement and suggestions of the District Magistrate and the Commissioner of the Division, and shall be updated annually.

(3) The Internal Security Scheme shall cover all anticipated contingencies involving public security, including riots, aggression, insurgency terrorism, sabotage, strikes, industrial or manmade disasters, natural disasters and the like, based on local conditions.

(4) It shall be the duty of the District Superintendent of Police to provide to the District Magistrate all information regarding resources available with the District Police for managing natural and manmade disasters and Standard Operating Procedures (SOPs) in various contingencies and to advise on the formulation of District level Disaster Management Plans.

(5) The Internal Security Schemes shall incorporate regularly updated and comprehensive Standard Operating Procedures (SOPs) 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 a security crisis.

(6) Based on the District level and State level Internal Security Schemes, the Director- General of Police shall prepare Plans for acquisition of necessary equipment and for the training of Police Officers including Special Units and shall submit proposals to the State Police Board from time to time.

### **75. Declaration Of Special Security Zone :-**

(1) If the security of the State is threatened in an area by insurgency or by terrorist or militant activity, the State Government may, by notification published in the Official Gazette, declare such area to be a Special Security Zone.

(2) Every notification issued under sub-section (1) shall cease to operate on the expiration of three months unless it has been approved by resolution by the State Legislature within the stipulated period:

Provided that if the State Legislature is dissolved within the stipulated period, the notification shall cease to operate on the expiration of 30 days from the date on which the State Legislature is reconstituted, unless it has been approved by resolution by the State Legislature.

(3) A notification issued under sub-section (1) and approved under sub-section (2) shall cease to operate on the expiration of such period but not exceeding two years, as may be specified in the notification:

Provided that if a resolution approving the continuation of such a notification is passed by the State Legislature, the notification shall continue to be in force for such further period but not exceeding two years from the date on which it would otherwise have ceased to operate, as may be specified in the resolution.

(4) Every notification issued under this section shall be laid, as soon as may be, before the State Legislature.

## **76. Administration Of Special Security Zones :-**

(1) The State Government may, on the recommendations of the State Police Board, by notification, create appropriate police and administrative structure in any Special Security Zone in order to meet the threat of insurgency or terrorism or militancy, and in consultation with the Director-General of Police may prescribe procedures to be followed by the police and administrative structures.

(2) The State Government may, on the recommendations of the Director-General of Police or the District Magistrate, and for reasons to be recorded in writing, order the ban or regulation of production, sale, storage, possession or entry of any device or equipment or material substance if such device, equipment or material substance is considered likely to be of assistance to insurgents or terrorists or militants, as the case may be, in a Special Security Zone.

(3) Any notification issued under this section shall cease to operate

on the expiration of the period of operation of the notification issued under section 75 of this Act.

(4) Every notification issued under this section shall be laid, as soon as may be, before the State Legislature.

## **CHAPTER 10 CRIMINAL INVESTIGATION**

### **77. Reporting And Registration Of Crime :-**

(1) Any person having knowledge of commission of any offence shall forthwith report the matter, along with all particulars within his knowledge, to the Police Station or Police Post having jurisdiction or the nearest Police Station :

Provided that it shall be sufficient for the person to report such information by telephone or such other means as may be specified by the Director-General of Police by Standing Orders.

(2) A report of commission of an offence shall be entered in the records of the Police Station forthwith in accordance with the law in such manner and on such format as may be prescribed.

(3) The officer-in-charge of a Police Station or Police Post having jurisdiction shall cause the report to be investigated in accordance with the provisions of the law for the time being in force:

Provided that if jurisdiction lies with another Police Station, the officer-in-charge of the Police Station where the report has been lodged or entered, shall cause to be forwarded all necessary information to the officer-in-charge of such Police Station in such manner as may be specified by the Director-General of Police by Standing Orders.

### **78. Investigation By District Police :-**

(1) There shall be a Criminal Investigation Unit in every Police Station for the investigation of serious offences as may be specified by the Director-General of Police, by regulations made from time to time, which shall include murder, kidnapping, sexual and unnatural offences, dacoity and dowry related offences, and offences other than serious offences may be investigated by other staff of the Police Station subject to the provisions of the Act and the rules made thereunder.

(2) The Criminal Investigation Unit shall comprise of Investigating Officers who shall be Non-Gazetted Police Officers Grade-I and they shall be assisted by such number of Non-Gazetted Police Officers Grade-II as may be prescribed by the State Government or

specified by the Director- General of Police by standing orders.

( 3 ) Non-Gazetted Police Officers posted in the Criminal Investigation Unit shall be selected on the basis of their aptitude, competence and integrity and shall form a sub-cadre for the purposes of postings:

Provided that the State Government may prescribe periodical training and examinations for various Non-Gazetted ranks of the Criminal Investigation Unit and may frame rules for the organization and management of the subcadre.

(4) Non-Gazetted Police Officers Grade-I posted in the Criminal Investigation Unit shall have a minimum tenure of 3 years and a maximum tenure of 5 years at a Police Station :

Provided that an officer may be transferred before completion of tenure on promotion or reversion to a lower rank or if a charge-sheet has been served on him in a disciplinary case or charges in a criminal case has been framed against him in a Court of law or a criminal case is ordered to be registered by the District Superintendent of Police against him.

(5) Within 3 years from the date of coming into force of this Act, the State Government shall create a separate cadre of Investigation Officers, and a separate cadre of Scene-of-Crime Officers who shall possess such qualifications in scientific investigation and forensic sciences as the State Government may prescribe, and Scene-of-Crime Officers shall be posted in every Police Station at District and Sub-Divisional Headquarters.

(6) An Investigation Officer posted in a Criminal Investigation Unit shall not be assigned any work other than investigation and the investigation work of the Criminal Investigation Unit in the Police Station shall be supervised closely by the officer-in-charge of the Police Station. An officer assigned to a case shall not be changed unless he is suspended or transferred, or his ability to impartially investigate a case is under doubt or the officer is incapacitated. The officer-in-charge of the Police Station shall record the reasons in case investigation work is proposed to be reassigned and shall obtain the prior written approval of the District Superintendent of Police or Additional Superintendent of Police.

(7) The Investigation Officer assigned to a case shall forthwith visit the scene of the crime and take steps in accordance with investigative procedures specified by the Director-General of Police, by standing orders. The officer-in-charge of the Police Station shall preferably the same day, but in any case within 48 hours, visit the scene of crime in all cases of serious offences and issue specific



written directions for ensuring the speedy and fair investigation of the offence.

#### **79. Supervision By Sub- Divisional Police Officers :-**

(1) The Sub-Divisional Police Officer shall visit the scene of crime in all cases of serious offences personally at the earliest opportunity but in any case within 48 hours and shall ensure that all requisite legal, scientific and forensic requirements for proper investigation are fully met.

(2) The Sub-Divisional Police Officer shall monitor the progress of investigation in all cases entrusted to the Criminal Investigation Unit and shall issue directions in writing, where in his opinion, a particular aspect requires specific investigation and shall accord approval to the final report in each case of serious offence before it is filed in the Court having jurisdiction.

(3) The Sub-Divisional Police Officer shall closely monitor the progress of prosecution of all serious offences to ensure that the results of the investigation are put forth in the best possible manner before the trial Court.

#### **80. Supervision By The District Superintendent Of Police :-**

(1) The District Superintendent of Police shall generally monitor the progress of investigation in all criminal cases registered in the District and shall closely oversee the progress of investigation of cases of serious offences by the Criminal Investigation Unit.

(2) The Superintendent of Police shall be assisted by a Law Officer posted for the purpose of providing legal advice on criminal investigation.

(3) The Superintendent of Police shall designate an Additional Superintendent of Police in his district as the in-charge of the District Criminal Investigation Unit to monitor cases of serious offences and make recommendations to him for improving the speed and quality of investigation generally or in specific cases and may also if a case so requires, direct that the investigation shall be done by a Special Investigating Team headed by an Additional Superintendent of Police, or a Sub-Divisional Police Officer or an Assistant or Deputy Superintendent of Police, comprising Investigating Officers from Criminal Investigation Units of any Police Stations of the District.

#### **81. Investigation Of Other Offences :-**

Offences other than serious offences, including traffic offences, affray, minor disputes affecting the public peace, simple hurt, minor theft, instances of public nuisance and such cases as are not investigated by the Criminal Investigation Unit or any specialized unit shall be investigated by the civil police of the Police Station having jurisdiction.

## **82. State Criminal Investigation Department :-**

(1) The State Criminal Investigation Department shall take up investigation of only serious offences of inter-state or inter-district nature or of a specialized nature, including cyber crime, organized crime and such other types of offences as may be notified by the State Government from time to time.

(2) The Director-General of Police may entrust the Criminal Investigation Department with the investigation of any case registered with any Police Station in the State in case special investigation is expeditiously required, or it is necessary to do so, to maintain public credibility in the investigative process.

(3) There shall be a Law Officer not below the rank of the Joint Director (Prosecution) exclusively to assist and aid the officers of the State Criminal Investigation Department on legal aspects of investigation and subsequent prosecution.

(4) The Criminal Investigation Department shall have in its headquarters a Police Station with State wide jurisdiction to facilitate registration of cases to be investigated by the Criminal Investigation Department.

(5) The head of the Criminal Investigation Department may constitute Special Investigation Teams to investigate complex cases and shall have the powers to call for reports of investigation and issue advisories to Investigation Officers of the Criminal Investigation Department and the District Criminal Investigation Unit.

(6) Investigation Officers in the Criminal Investigation Department shall be part of the cadre of Investigation Officers created under sub-section (5) of section 78 and the Scene-of-Crime Officers of the Department shall be part of the Scene-of-Crime Officers cadre.

(7) The District Superintendent of Police shall provide all assistance and criminal intelligence to Investigation Officers whether of the Criminal Investigation Department or otherwise.

(8) The Head of the Criminal Investigation Department shall cause

to be prepared, within 6 months from the date of coming into force of this Act, a comprehensive Investigation Manual specifying detailed operating procedures for investigation of serious offences by the Criminal Investigation Department, District Criminal Investigation Unit and Police Station level Criminal Investigation Units. The Manual along with the recommendations of the Director-General of Police shall be placed before the State Police Board for its approval within 9 months from the date of coming into force of this Act.

(9) The Criminal Investigation Department shall publish a periodical Criminal Investigation Gazette, giving information regarding arrests, identification wanted, missing persons, proclaimed offenders, notices and warnings etc., in such form and with such contents as the Director-General of Police may direct from time to time. The Gazette shall be widely circulated, and published on the website of the Police Department.

### **83. Forensics :-**

(1) The Director, Forensic Science shall, from time to time, with the approval of the State Police Board, communicate to the State Government, the forensic facilities or services required at the State, Range and District level for the purpose of scientific investigation of crime, and the scientific evidence that should be collected in various circumstances.

(2) The State Government shall make available the necessary financial resources to provide the requisite forensic facilities or services within 6 months and if it is unable to provide the facility it shall communicate the reasons which shall be placed before the State Police Board in its next meeting.

(3) It shall be mandatory for all Investigation Officers, whether of the State Criminal Investigation Department or the Criminal Investigation Unit of the Police Station of the District to collect samples in the manner prescribed by the Director, Forensic Science and send them for analyses to the designated forensic laboratory.

(4) The Director-General of Police, in consultation with Director, Forensic Science, shall, by Standing Order--

(i) prescribe the expertise including Diploma and Certification for Investigation Officers of the Criminal Investigation Department and the Criminal Investigation Unit;

(ii) determine the specifications of scientific interrogation centers and the Standard Operating Procedures in such centers;

- (iii) determine the nature and specifications of the audio-video and other equipment that may be used in investigation and the Standard Operating Procedures for the purpose; and
- (iv) lay down the Standard Operating Procedures in investigating various types of crime including the procedure for collecting samples for forensic analysis.

#### **84. Maintenance Of Crime And Forensic Data Banks :-**

- (1) The State Criminal Investigation Department shall maintain a data bank of all information important for crime investigation, crime prevention and tracing of lost and missing persons and property and shall administer the State Crime Records Bureau and District Crime Records Bureau for the purpose.
- (2) The Criminal Investigation Department shall maintain adequate linkages with District Superintendent of Police and with the National Crime Records Bureau for data updating, sharing and exchange.
- (3) The Criminal Investigation Department shall have a Finger Print Bureau to be headed by an Officer of the rank of at least Superintendent of Police. The Bureau shall maintain computerized searchable databanks of fingerprints, including those collected in the course of investigation by the Bureau, the State Criminal Investigation Department or the District Police. The State Finger Print Bureau shall coordinate activities with similar agencies in other States and Government of India. The Finger Print Bureau shall provide training to Investigation Officers of the District Police and develop standard operating procedures for lifting, developing and matching finger prints in various circumstances, and shall publish a Finger Printing Manual for the purpose.

#### **85. Respect For Privacy And Fair Investigation :-**

- (1) Every Investigation Officer and his official superiors shall respect the need for privacy of victims of offences and witnesses.
- (2) Every Investigation Officer and his official superiors shall take all possible steps to ensure fair and impartial investigation, and while respecting the right to privacy of victims of offences and witnesses, shall ensure that such information as is necessary to be revealed to the public, in the public interest, for maintaining public credibility in the investigative process, is put forth as soon as possible.
- (3) The Director-General of Police may, by regulations, specify procedures for the purpose of this section.

## **CHAPTER 11 REGULATION, CONTROL AND DISCIPLINE**

### **86. Prohibition Of Certain Practices :-**

(1) No Police Officer shall join or be a member of any Association or participate in the activities of such Association which has an objective, or which aims at, collective negotiation on matters relating to the police service.

(2) No Gazetted Police Officer or Non-Gazetted Police Officer Grade-1 shall be posted in his Home district and no Non-Gazetted Police Officer Grade-II shall be posted in his Home Police Station, as recorded in his Service Book.

(3) No Police Officer shall engage in any employment or office whatsoever other than his duties under this Act, unless expressly permitted to do so in writing by the competent authority.

### **87. Breaches Of Discipline And Disciplinary Misconduct By A Police Officer :-**

(1) Whoever, being a Police Officer--

(i) knowingly contravenes or fails to follow the provisions of any law or any rule or instruction made thereunder, in the discharge of his official duties, with the intention of giving undue benefit or causing harm to any person; or

(ii) knowingly disobeys a lawful direction of his official superior or of a public servant empowered to issue directions, with the intention of giving undue benefit or causing harm to any person; or

(iii) exhibits cowardice in the line of duty; or

(iv) abdicates duties or withdraws from duty in contravention of the provisions of this Act; or

(v) is grossly insubordinate to a superior Police Officer ; or

(vi) engages himself or participates in any demonstration, procession or strike, or resorts to, or in any way abets, any form of strike or coercion to compel any authority to concede anything; or

(vii) commits any other service misconduct;

shall be deemed to have breached service discipline and shall be liable to be punished for conduct unbecoming of a Police Officer by a disciplinary authority in accordance with the provisions of this Act and relevant conduct rules.

(2) The State Government, having regard to the nature of misconduct, may by notification published in the Official Gazette, classify the "major" and "minor" misconducts for which any of the following penalties shall respectively be awarded, namely:--

(I) Major Penalties--

- (a) Dismissal from service; or
- (b) Removal from service; or
- (c) Compulsory retirement; or
- (d) Reduction in rank; provided that such reduction shall not be to a rank below the rank in which such officer was recruited:

Provided that a Police Officer who has been sentenced by a criminal court of law to imprisonment exceeding one month or whose misconduct is of the gravest nature, including--

- (i) spying or anti-national activities; or
- (ii) damaging public infrastructure or public property; or
- (iii) causing indiscipline amongst fellow policemen or going on strike, mass casual leave or resorting to mass abstention; or
- (iv) promoting enmity between various classes of society or causing riots etc; or
- (v) negligence or connivance in escape of a prisoner in lawful custody; or
- (vi) corruption or perjury ; or
- (vii) such other major misconduct as the State Government may, having regard to its nature, declare to be misconduct of the gravest nature; shall be awarded the penalty of dismissal from service; and

(II) Minor Penalties:--

- (a) reduction in pay by upto 3 stages in the timescale for a period not exceeding 3 years; or
- (b) withholding of Increments for upto 3 years ; or
- (c) fine not exceeding one months pay; or
- (d) reprimand or censure; or
- (e) fatigue drill.

**88. Disciplinary Penalties :-**

(1) Subject to the provisions of this Act and in the manner as may be prescribed, any Gazetted Police Officer of the rank of Superintendent of Police or above, can award any of the major penalties to any Non-Gazetted Police Officer for whom such Gazetted Officer is an appointing authority.

(2) Any Gazetted Police Officer of the rank of Superintendent of Police or above, in accordance with the procedure prescribed, shall have the power to award any of the minor penalties to any Non-Gazetted Police Officer under his official control.

(3) The Assistant Superintendent of Police or the Deputy Superintendent of Police or any other officer of equivalent or higher

rank shall have the power to award the minor penalty of reprimand or censure to Non-Gazetted Police Officers upto the rank of Sub-Inspectors of Police for such misconduct as may be prescribed.

(4) Any Police Officer of the rank of Inspector and above may, in accordance with the procedure prescribed, award the minor penalty of reprimand or censure or of fatigue drill to Non-Gazetted Police Officers Grade- II for such misconduct as may be prescribed.

(5) Any penalty specified under sub-sections (1) to (4), if awarded to any Police Officer, shall not affect his liability for prosecution and punishment for any criminal offence committed by him or his liability to make good the pecuniary loss caused by his proven misconduct.

### **89. Suspension :-**

(1) Any Gazetted Police Officer or Inspector or any officer-incharge of a Police Station, as the case may be, may suspend, pending inquiry or investigation, any Non-Gazetted Officer under his control who is guilty or reasonably suspected guilty of gravest misconduct and whose immediate suspension is necessary in the public interest or to maintain discipline in the Police force:

Provided that where any Police Officer below the disciplinary authority orders the suspension of a Police Officer under his control, he shall immediately inform the disciplinary authority, who may confirm or rescind the order.

(2) Suspension of Gazetted Police Officers shall be made by the authority competent to order suspension under the relevant service rules.

(3) Every order of suspension passed under this section shall be in writing giving briefly the reasons thereof.

(4) Where a Police Officer is suspended (whether in connection with any disciplinary proceeding or otherwise) and any other disciplinary proceeding is commenced against him during the continuance of his suspension, the authority competent to place him under suspension may, for reasons to be recorded in writing, direct that the Police Officer shall continue to be under suspension until the termination of all or any such proceedings.

(5) An order of suspension may, at any time, be revoked, modified or reviewed suo moto, or on the representation of the suspended officer by the authority which made the order or by any authority to which that authority is subordinate.

(6) All cases where the period of suspension exceeds one year shall

be reported to the State Police Board by the Director-General of Police.

### **90. Appeals From Orders Of Punishment :-**

An appeal against any order of punishment passed against a Police Officer under this Act or the rules made thereunder shall lie--

- (i) where the order is passed by the Director-General of Police, to the State Government;
- (ii) where the order is passed by an officer subordinate to the Director-General of Police, to the next higher-ranking officer in the police hierarchy in that organization.

### **91. Separate Set Of Rules For Police Officers :-**

- (1) All Non-Gazetted Police Officers shall be exempted from application of classification, discipline, appeal and conduct Rules applicable to other State Government employees, and shall be governed by Rules framed under this Act for the said purpose.
- (2) Indian Police Service and Gazetted State Police Service Officers shall be governed by their respective rules on matters relating to conditions of their service.

### **92. Police Officers Always On Duty :-**

- (1) Every Police Officer not on leave or under suspension shall, for all purposes of this Act, be considered to be always on duty and may at any time be deployed as a Police Officer in any part of the State, or in any other State in accordance with the law.
- (2) A Police Officer shall not abdicate his duties or withdraw himself from the duties thereof, unless expressly allowed to do so in writing by the Director-General of Police or any such officer as may be authorized by him to grant such permission or by the competent officer in case of Indian Police Service Officers and Gazetted State Police Officers. A Police Officer who, being on leave, fails without reasonable cause to report himself for duty on the expiration of such leave shall be deemed within the meaning of this section, to withdraw himself from the duties of his office.

## **CHAPTER 12 POLICE ACCOUNTABILITY**

### **93. State Police Complaints Authority :-**

- (1) There shall be established a State Police Complaints Authority



comprising the Lokayukta, Himachal Pradesh to receive and enquire into allegations of criminal misconduct by Police Officers. The State Police Complaints Authority may also generally oversee the system of police accountability in order to reduce the potential for corruption in police services. The recommendations of the State Police Complaints Authority shall be binding on the State Government.

(2) In all cases where action to implement the recommendations has not commenced within a period of 60 days from receipt of the recommendations, the State Government shall inform the Authority of the reasons.

(3) The powers of the State Police Complaints Authority shall be such as may be prescribed.

#### **94. District Police Complaints Authority :-**

(1) The State Government shall establish a Police Complaints Authority in each District to receive complaints of misconduct including criminal misconduct. The authority shall also monitor the status of departmental inquiries against Non-Gazetted Police Officers initiated in the District on the orders of the State Police Complaints Authority.

(2) The powers of the District Police Complaint Authority shall be such as may be prescribed with the concurrence of the State Police Complaints Authority.

#### **95. Composition Of The District Police Complaints Authority :-**

(1) The District Police Complaints Authority shall be headed by the Divisional Commissioner of the Division and shall include 3 other Non- Official Members (who may be retired senior Police Officers of the rank of Superintendent of Police and above, retired prosecutors of the rank of District Attorney and above, or retired Judicial officers of the rank of Additional District Judge and above). The Non-Official Members shall be nominated by the State Government in consultation with the Lokayukta for a period of three years and shall be eligible for re-nomination.

(2) No person shall be eligible to be nominated or to continue as a Non-Official Member if he--

(i) is not a citizen of India; or

(ii) has a charge-sheet filed against in a Court of Law in a criminal case; or

- (iii) has been dismissed or removed from service or been compulsory retired from public employment on grounds of corruption or misconduct; or
  - (iv) is of unsound mind; or
  - (v) holds public office or is an office bearer of any political party or political organization.
- (3) Non-Official Members shall be paid a sitting fee and traveling allowance and daily allowance at such rates as may be notified by the State Government.
- (4) The District Police Complaints Authority shall meet as often as required, but at least once a month and the proceedings shall be open to the public and a record of the proceedings shall be kept.

#### **96. Functions Of District Police Complaints Authority :-**

The District Police Complaints Authority shall--

- (i) forward the complaints of criminal misconduct, received directly by it , to the State Police Complaints Authority for further action;
- (ii) forward the complaints of other misconduct received by it, made against Non-Gazetted Police Officers, to the District Superintendent of Police, Commandant of Battalion or other disciplinary authority, as the case may be;
- (iii) forward complaints containing allegations of other misconduct against any Gazetted Police Officer to the State Government, for further action, under intimation to the State Police Complaints Authority;
- (iv) monitor the status of departmental inquiries initiated on the basis of complaints of misconduct received by It against Non-Gazetted Police Officers, and obtain reports from the District Superintendent of Police, Commandant of Battalion, or other disciplinary authority, with such frequency as may be specified. The authority shall also monitor departmental inquiries against Non-Gazetted Police Officers initiated in the District on the orders of the State Police Complaints Authority;
- (v) issue appropriate advice to the disciplinary authority concerned, in cases where the original complaint was received by the District Police Complaints Authority, for expeditious completion of inquiry in any case, if, in the opinion of the District Police Complaints Authority, such an inquiry is getting unduly delayed;
- (vi) call for a report from the disciplinary authority, and issue appropriate advice for further action including, if necessary, a fresh inquiry by another officer, when a complainant, being dissatisfied

by an inordinate delay in the process of departmental inquiry into his complaint of misconduct, brings such matter to the notice of the District Police Complaints Authority; and

(vii) report to the State Police Complaints Authority cases where departmental inquiry into misconduct in respect of a Non- Gazetted Police Officer is not concluded in time by the Inquiry Officer concerned inspite of the advice of the District Police Complaints Authority to the disciplinary authority:

Provided that a District Police Complaints Authority may at any time, for reasons to be recorded in writing, and subject to the directions of the State Police Complaints Authority, decide not to take further action on a complaint of misconduct, if it appears that the complaint is incorrect in material particulars or vexatious or malicious, with the intention of impeding the exercise of lawful authority:

Provided further that in case of an intentionally false or vexatious or malicious complaint, the District Police Complaints Authority may recommend to the State Police Complaints Authority, the imposition of a fine not exceeding twenty five thousand rupees as may be deemed appropriate in the circumstances of the case.

### **97. Report Of The District Police Complaints Authority :-**

Each District Police Complaints Authority shall prepare and submit to the State Police Complaints Authority an annual report at the end of each calendar year, inter alia, containing--

(i) the numbers and types of cases of "criminal misconduct" and "other misconduct" forwarded by it to the State Police Complaints Authority and the disciplinary authority respectively, during the year;

(ii) the number and types of cases monitored by it during the year;

(iii) the number and types of cases of "misconduct" referred to it by the complainants upon being dissatisfied by the departmental inquiry into their complaints; and cases in which advice was issued by it to the disciplinary authority for further action; and

(iv) identifiable patterns of misconduct if any on the part of Police Officers in the District and recommendations on measures to enhance police accountability.

### **98. Rights Of The Complainant :-**

(1) A person may lodge his complaint relating to any misconduct including criminal misconduct on the part of any Police Officer

either with the departmental Police authorities or with the State Police Complaints Authority or the District Police Complaints Authority.

(2) Where a person has lodged a complaint with the police authorities, he may inform the State Police Complaints Authority or the District Police Complaints Authority at any stage of the departmental inquiry about any undue delay in the process of enquiry.

(3) The complainant shall have the right to be informed of the progress of the inquiry from time to time by the inquiring authority and on completion of inquiry or departmental proceedings, the complainant shall be informed of the conclusions of the proceedings as well as the final action taken.

(4) The complainant may attend hearings in an inquiry concerning his case and after each hearing, the complainant shall be informed of the next date and place of the hearing.

(5) All hearings shall be conducted in Hindi (the Official Language) or in English, and a written transcript shall be provided to the complainant free of cost in Hindi or English, as the case may be, if the complainant is not able to understand the language in which the proceedings or a portion thereof is conducted.

#### **99. Duty Of The Police And Other State Agencies :-**

(1) It shall be the duty of every Police Officer of the District Police and the State Police as well as any other agency concerned, to provide to the State Police Complaints Authority and the District Police Complaints Authority all information they may reasonably require to perform their duties.

(2) The authority which is required to implement a recommendation of the State or District Police Complaints Authority shall, if it is of the opinion that it is not expedient to implement such a recommendation, inform the State Government of the reasons as soon as possible, but not later than 30 days of receiving the recommendation.

#### **100. Bar To Interfere With The Functioning Of The State Police Complaints Authority Or The District Police Complaints Authority**

**:-**

(1) Whoever influences or interferes with the functioning of the State Police Complaints Authority or the District Police Complaints

Authority, except in the course of lawful duty, shall, on conviction, be punishable with imprisonment for a term which may extend to one year or with fine which may extend to twenty five thousand rupees or with both:

Provided that any threat, coercion or inducement offered to any person to make a false, vexatious or malicious complaint, or to any witness or victim of police misconduct with the intention of misleading proceedings, shall be deemed to be interference with the functioning of the State Police Complaints Authority or the District Police Complaints Authority, as the case may be.

(2) The State Police Complaints Authority may, if it comes to the conclusion that a complaint of police misconduct is intentionally false or is vexatious or malafide, may impose a fine not exceeding twenty five thousand rupees:

Provided that no such orders shall be made without affording the affected party a reasonable opportunity of being heard.

### **101. Performance Audit By State Bureau Of Police Research And Development :-**

(1) The State Police Board or the State Government may require the State Bureau of Police Research and Development to arrange the conduct of a performance audit of police functioning or studies on various aspects of police performance, or conduct of various kinds of surveys including public opinion surveys and make its recommendations on improving the quality of policing or on new policing requirements in a changing scenario.

(2) The Report of the Bureau shall be placed before the State Police Board by the Director-General of Police along with his comments for a decision on the recommendations.

### **102. Protection Of Action Taken In Good Faith :-**

No suit or other legal proceeding shall lie against the State Government, the State Police Board, its members and staff, the State and District Police Complaints Authority, its members, its Investigators, staff or any person in respect of anything which is in good faith done or intended to be done in pursuance of the provisions of this Act or the rules made thereunder.

### **103. Funding :-**

The State Government shall ensure that adequate funds are

provided to the State Police Complaints Authority and the District Police Complaints Authorities for the effective performance of their functions. The Police shall not provide any material or human resources to the State or the District Police Complaints Authorities other than in accordance with the general or specific directions of the State Government.

## **CHAPTER 13 WELFARE & GRIEVANCE REDRESSAL MECHANISM**

### **104. Career Progression :-**

The State Government shall formulate policies in order to ensure adequate promotional avenues to meritorious Police Officers of all ranks.

### **105. Welfare Committee :-**

(1) There shall be a Police Welfare Committee, headed by an officer not below the rank of Inspector-General of Police, in the office of the Director-General of Police to assist him in implementing welfare measures for Police Officers and their families.

(2) The Committee shall comprise of representatives of all police ranks and may also have other members in an advisory capacity. The members of the Committee shall be nominated by the Director-General of Police.

(3) The functions and activities of the Police Welfare Committee shall, inter alia include: health care (including post-retirement health care), post-retirement/post-death financial assistance, group housing, education and sports activities, and career counseling of family members of Police Officers, training of family members in entrepreneurial work/self-employment and generation of employment opportunities and legal assistance to Police Officers facing proceedings in matters relating to bonafide discharge of duty.

(4) The Director-General of Police shall constitute funds as may be necessary for the welfare of Police Officers and their families with the prior approval of the State Government which may provide matching grants as well as outright grants.

(5) The State Government shall prescribe the modalities for the smooth functioning of the Committee and subject to the rules, the Director-General of Police may make regulations to regulate its day-to-day functioning.

### **106. Insurance Coverate, Hospitals Etc. :-**

- (1) State Government shall evolve a scheme for adequate insurance coverage for all Police Officers against any injury, disability or death in the course of performance of their duty.
- (2) The Police Officers engaged in specialized wings such as bomb disposal squad, Commando Groups etc. shall be paid risk allowance commensurate with the possible risks involved in performing these duties.
- (3) Appropriate medical facilities shall be established at Battalion headquarters and such other locations as may be deemed necessary for general treatment to enable Police Officers to maintain the required standards of health and physical fitness.
- (4) Facilities for psychological counseling, in order to cope with professional stresses, shall be given due attention in the Police Stations, Battalions and other Police establishments.

#### **107. Grievance Redressal :-**

- (1) There shall be Police Grievances Committees at the District, Battalion, Range and Headquarters level which shall be headed by the Superintendent, Commandant, Deputy Inspector-General and an officer not below the rank of Additional Director-General respectively, and there shall be two other Gazetted Police Officers in each Committee, nominated by the Director-General of Police: Provided that the two Gazetted Police Officers nominated to the Headquarters Committee shall be of at least the rank of Inspector-General
- (2) Representations by the Non-Gazetted Police Officers Grade-II shall be made in writing to the District or Battalion Committee, as the case may be.
- (3) Representations by the Non-Gazetted Police Officer Grade-I shall be made in writing to the Deputy Inspector-General of the Range or the Special Unit, as the case may be.
- (4) Representations by Gazetted Police Officers shall be made to a Headquarters Committee which shall also hear appeals against decisions of the District, Battalion and Range Committees: Provided that in all cases where the representation requires to be considered at the Government level, the Director-General of Police, instead of referring the matter to the Headquarters Committee, shall forward the representation to the State Government.
- (5) All representations and appeals must be decided within 30 days and a summary statement of the cases decided after 30 days as

well a list of cases over 30 days old and still pending with the facts of each case and reasons for delay, shall be reported by the Director-General of Police to the State Police Board, which may issue appropriate directions.

(6) An analysis of the grievances, their causes and impact on the morale and efficiency of Police Service shall be carried out annually and shall be included in the Annual Report of the State Police Board.

#### **108. Working Hours :-**

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

Provided that for exceptional reasons, the duty hours of a Police Officer may extend up to 12 hours and in that event adequate compensation and facilities shall be provided to the Police Officer.

(2) The State Government shall ensure that at least one weekly day off is provided to all Police Officers.

### **CHAPTER 14 OFFENCES, PENALTIES AND POWERS**

#### **109. Regulation Of Public Assemblies And Processions :-**

(1) It shall be duty of every person intending to form a procession or convene or collect an assembly in any road, street or thoroughfare, to give intimation in writing at least 24 hours in advance, to the officer-in-charge of the Police Station having jurisdiction or the Sub-Divisional Police Officer or the District Superintendent of Police.

(2) The District Superintendent of Police, or a Police Officer not below the rank of Sub-Inspector authorized by him by general or special order, on being satisfied that such an assembly or procession would, if uncontrolled or unregulated, be likely to cause a breach of peace, may impose necessary restrictions and conditions including making provisions for satisfactory regulatory arrangements in compliance of which such assembly or procession may take place.

(3) The District Superintendent of Police or a Police Officer not below the rank of Sub-Inspector authorized by him by general or special order, may, where necessary, direct the conduct of assemblies and processions on the public roads, or in the public streets or thoroughfares, and specify the routes and times for such



processions to pass.

**110. Assemblies And Processions Violating Prescribed Conditions :-**

A Magistrate or any Gazetted Police Officer or the officer-in-charge of a Police Station, as the case may, shall have the powers to stop any assembly or procession which has been convened or organized in contravention of the provisions of section 109 of this Act, and order such assembly or procession to disperse and such assembly shall be deemed to be an "unauthorized assembly".

**111. Directions To Keep Order On Public Roads :-**

A Magistrate or the District Superintendent of Police, or any other Police Officer not below the rank of Sub-Inspector authorized by him by a general or special order, may give reasonable directions to the public to keep order on public roads and streets, thoroughfares, ghats, landing-places, railway stations, airports and any other public places, in order to prevent obstruction, injury, harm, health hazard, or annoyance to the public, or damage to property.

**112. Power To Reserve Public Places And Erect Barriers :-**

(1) A Magistrate or the Superintendent of Police of the District or any other Police Officer not below the rank of Sub-Inspector authorized by him by a general or special order may, for any public purpose, by public notice, temporarily reserve any street or other public place and prohibit persons from entering the area so reserved, except on such conditions as may be specified in the notice.

(2) The Superintendent of Police of the District may authorize any Police Officer under his control to erect or cause to be erected, barriers on any public road temporarily reserved for any public purpose, and make such orders as deemed fit for regulating the use of such barriers and specify all necessary steps to be taken for safety of the public.

**113. Regulation Of The Use Of Music And Other Sound Systems In And Near Public Places :-**

The officer-in-charge of a Police Station or a Police Sub-Division may, by order in writing, regulate the time and the volume of music, sounds, performances, displays, broadcasts and other similar

activities in or near streets and public places to prevent annoyance to the residents of the neighborhood.

**114. Powers Of Police Officers In Respect Of Certain Offences On Roads Or Public Places :-**

(1) It shall be lawful for any Police Officer in uniform to take into custody, without warrant, any person who within his personal view, has committed any of the following offences on any road, public place 2[within the limits of any municipal area] within the limits of any municipal area<sup>1</sup>. causing obstruction, annoyance, risk, danger or damage to residents or passersby, namely :--

- (i) slaughters or wantonly commits cruelty to any animal; or
- (ii) drives or rides furiously any cattle or horses; or
- (iii) obstructs the taking up or setting down of passengers at a public transport halting place; or
- (iv) exposes any good for sale; or
- (v) is found drunk and incapable or riotous; or
- (vi) indecently exposes himself, urinates or defecates in a public place or in public view; or
- (vii) unauthorizedly affixes any bill, notice or other paper to, or defaces, any property belonging to the State or Central Government or any public authority; or
- (viii) commits willful trespass into any property belonging to the State or Central Government or any public authority; or
- (ix) willfully damages any public alarm or any other public emergency assistance system; or
- (x) harasses or stalks a woman or makes indecent advances or makes obscene remarks or gestures to a woman; or
- (xi) begs or seeks alms.

(2) Any person, so arrested, if not immediately released on bail, shall be produced as soon as possible, but not later than 24 hours, before the nearest Judicial Magistrate having jurisdiction.

1[Explanation.-- For the purpose of this section, the expression "municipal area" means the territorial area of the municipality constituted under section 3 of the Himachal Pradesh Municipal Act, 1994 (Act No. 13 of 1994). which may be a Nagar Panchayat or a Municipal Council or a Municipal Corporation.]

1. As Inserted by Himachal Pradesh Police (Amendment) Act, 2008 w.e.f. 09.10.2007.

2. Substituted by the Himachal Pradesh Police (Amendment) Act,

2008 w.e.f. 09.10.2007 previous text was : - "or thoroughfare"

**115. Penalty For Disobeying Orders Or Directions :-**

(1) Whoever contravenes the provisions of sections 64, 109, 110, 111, 112 or 113 of this Act, may be arrested without a warrant by or on the directions of a Police Officer in uniform not below the rank of Assistant Sub- Inspector and shall, on conviction, be punishable with imprisonment for a term which may extend to eight days or with fine which may extend to five thousand rupees or with both:

Provided that any person, so arrested, may compound the offence by pleading guilty before a Police Officer not below the rank of Sub-Inspector and such Police Officer may accept from such person a compounding fee as may be prescribed but not exceeding the amount of the fine, and on payment of such compounding fee, the person, if in custody, shall be released forthwith and no further proceeding shall be taken against him.

(2) Whoever contravenes the provisions of section 114 of this Act shall on conviction, be punishable with simple imprisonment that may extend to eight days or with fine which may extend to five thousand rupees or both:

Provided that any person so arrested may compound the offence by pleading guilty before a Magistrate or a Police Officer not below the rank of Deputy Superintendent of Police and such Magistrate or Police Officer may accept from such person a compounding fee prescribed, not exceeding the amount of the fine and on payment of such compounding fee, the person if in custody shall be released forthwith, and no further proceeding shall be taken against him.

**116. Saving Of Control Of Magistrate Of The District :-**

Notwithstanding anything contained in this Chapter, nothing shall be deemed to have interfered with the general control of the Magistrates of the District on the matters assigned to them under any law for the time being in force.

**117. Police Officers To Take Charge Of Unclaimed Property :-**

(1) A Police Officer on duty shall take in custody all unclaimed property in such manner as may be prescribed.

(2) Unclaimed property taken in custody, shall, with the approval of the District Superintendent of Police or Sub-Divisional Police Officer,

be disposed off in such manner as may be prescribed, and proceeds shall be deposited into the Government Treasury after deducting the cost of transportation, storage and disposal of the property.

(3) The Director-General of Police may, by regulations, fix the time limit having regard to the nature of the article, after which unclaimed property may be disposed off.

### **118. Obstruction In Police Work :-**

Any person who obstructs the discharge of lawful duties and functions of a Police Officer may be arrested without a warrant and shall, on conviction, be punishable with simple imprisonment not exceeding three months or with fine not exceeding five thousand rupees or with both.

### **119. Unauthorised Use Of Police Uniform :-**

Whoever, not being a member of the State Police, wears the uniform of the State Police or any dress having the appearance or bearing any of the distinctive marks of that uniform, shall, on conviction, be punishable with simple imprisonment which may extend to three months or with fine which may extend to five thousand rupees.

### **120. Refusal To Surrender Certificate Etc. On Ceasing To Be A Police Officer :-**

Whoever, having ceased to be a Police Officer, does not forthwith and in any case not later than 7 days, surrender his certificate of appointment, clothing, accoutrements and other items supplied for the discharge of his duties, shall, on conviction, be punishable with fine which may extend to five thousand rupees.

### **121. Making A False Or Misleading Statement :-**

Whoever knowingly makes a false statement or a statement which is misleading in material particulars to a Police Officer for the purpose of obtaining undue benefit or for the purpose of causing intentional harm to any person shall, on conviction, be punishable with imprisonment for a term which may extend to three months or with fine which may extend to five thousand rupees.

### **122. Arrest, Search, Seizure And Violence :-**

Whoever, being a Police Officer--

- (i) without lawful authority or reasonable cause enters or searches, or causes to be entered or searched, any building, vessel, tent or place; or
  - (ii) unlawfully or without reasonable cause seizes the property of any person; or
  - (iii) unlawfully or without reasonable cause detains, searches, or arrests a person; or
  - (iv) unlawfully or without reasonable cause delays the production of any person arrested or detained to a Magistrate or to any other authority to whom he is legally bound to produce such person; or
  - (v) commits sexual harassment either while on duty or otherwise by misusing his authority as a Police Officer; or,
  - (vi) subjects any person in his custody or with whom he may come into contact in the course of duty, to torture or to any kind of unlawful personal violence; or
  - (vii) holds out any threat not warranted by law;
- shall, on conviction, be punishable with imprisonment for a term which may extend to two years or with fine which may extend to ten thousand rupees, or with both.

### **123. Plea That Act Was Done Under Warrant :-**

(1) When any action or prosecution is brought or any proceeding held against any Police Officer, for any act done by him in such capacity, it shall be lawful for him to plead that such act was done by him under the authority of a warrant issued by a Magistrate.

(2) Such plea shall be proved by the production of the warrant directing the act, and purporting to be signed by such Magistrate and the defendant shall, thereupon, be entitled to a decree in his favour, notwithstanding any defect to jurisdiction in such Magistrate. No proof of the signature of such Magistrate shall be necessary, unless the Court shall see reason to doubt its being genuine:

Provided always that any remedy that the party may have against the authority issuing such warrant shall not be affected by anything contained in this section.

### **124. Prosecution Of Police Officers :-**

(1) No court shall take cognizance of any offence under this Act, when the accused person is a Police Officer, except on a report in writing, of the appointing or disciplinary authority.

(2) No court below that of a Judicial Magistrate of the First Class shall try any offence under this Act, when any of the accused persons is a Police Officer.

(3) No suit or legal proceedings shall lie against a Police Officer for any act or omission done in good faith in the bona-fide discharge of his duties.

### **125. Prosecution For Offences Under Other Laws :-**

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

### **126. Summary Disposal Of Certain Cases :-**

(1) Any Court taking cognizance of an offence punishable under sections 64, 109, 110, 111, 112, 113, or 114 of this Act, may state upon the summons to be served on the accused person that he may, by a specified date prior to the hearing of the charge, plead guilty to the charge by registered post, and remit to the court such sum not exceeding five thousand rupees as may be specified in the summons.

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

### **127. Recovery Of Penalties And Fines :-**

Provisions of sections 64 to 70 of the Indian Penal Code and sections 421 to 425 of the Code of Criminal Procedure, 1973, shall apply to penalties, fines or any other sum payable under this Act.

### **128. Limitation :-**

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

### **129. Procedure For Publishing Directions And Public Notices :-**

(1) All general directions, regulations, or public notices issued under this Chapter shall be published in the office of the concerned District Magistrate, Sub-Divisional Magistrate, Sub-Divisional Police Officer, Police Station, Panchayats having jurisdiction and in the locality affected thereby, by affixing copies thereof in conspicuous places near to the building, structure, work or place, as the case may be, to which the same specially relates or by advertising the same in such local newspapers, and other media including official websites as may be prescribed by the Director-General of Police by Standing Orders.

(2) If any direction or order made under this section relates to any matter with respect to which there is a provision in any other law, rule or byelaw of the Municipal Corporation or municipalities or local authorities in relation to public health, convenience or safety of the locality, such direction or order shall be subject to such law, rule or byelaw.

## **CHAPTER 15 MISCELLANEOUS**

### **130. Disposal Of Fees And Rewards :-**

(1) With effect from such date as the State Government may, by notification in the Official Gazette appoint, there shall be established for the purposes of this Act a fund to be called the "Himachal Pradesh Police Fund".

(2) The fund shall be under the control of the State Government and there shall be credited to the fund any sums of money as may be provided by the State Government for carrying out the purpose of this Act, and the balance to the credit of the fund shall not lapse at the end of the financial year.

(3) The Director-General of Police shall maintain proper accounts of the fund and other relevant records and prepare an annual statement of accounts in such manner as may be prescribed.

(4) The fund shall be used for the objects and purposes connected with better policing under this Act.

(5) The fund shall be administered by the Director-General of Police in accordance with regulations made under this Act.

(6) Proceeds of all fines and fees paid for licenses or written permissions issued under this Act, and all sums paid for the service of processes by Police Officers and all rewards paid by private persons, 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 if in force, to any local authority, be credited to the Consolidated Fund of the State and shall be appropriated, if the State Legislature by law so provides, to the fund in such manner as may be prescribed, for being utilized exclusively for the purpose of this Act.

(7) The fund shall be audited by the Examiner, Local Audit Department, Himachal Pradesh.

### **131. Method Of Proving Orders And Notifications :-**

Publication of any order or notification issued under any of the provisions of this Act, may be proved by the production of a copy of the Official Gazette in which the same is published, or a certified true copy of the original signed by such Magistrate or officer.

### **132. Validity Of Rules And Orders :-**

No rules, regulations, orders, directions, or notifications made or published and no adjudication, inquiry or act done under any of the provisions of this Act or the rules made thereunder, which is substantially in consonance with the same, shall be deemed to be illegal, void or invalid by reason of any defect of form.

### **133. Officers Holding Charge Of Succeeding To Vacancies Competent To Exercise Powers :-**

Whenever the office of a Magistrate or Police Officer falls vacant by any reason, the officer holding charge of the post of such Magistrate, or Police Officer whether temporarily or permanently, shall be competent to exercise all the powers and perform all the duties as are conferred or cast on such officer under this Act.

### **134. Licenses And Unwritten Permissions To Specify Conditions :-**

(1) Any license or written permission granted under the provisions of this Act, shall specify the period, locality and the conditions and restrictions subject to which the same is granted and shall be given under the signature of the competent authority and shall be subject to payment of such fee as may be prescribed.

(2) Every person to whom such license or written permission has been granted, shall, while it remains in force, produce the same at all reasonable times, if so required by a Magistrate or a Police Officer.



### **135. Revocation Of Licences And Its Consequences :-**

(1) Any license 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 are violated, or if the person to whom it has been granted is convicted of any offence relating to such permission.

(2) When any such license or written permission is suspended or revoked, or has expired, the person to whom such licence or written permission was granted shall be deemed to be without a license or written permission until the order for suspending or revoking the same is cancelled or the licence is renewed, as the case may be.

Explanation.--For the purpose of this section any such violation by a servant or agent acting on behalf of the person to whom the license or written permission has been granted, shall be deemed to be a violation by the person to whom such license or written permission has been granted.

### **136. Public Notices How To Be Given :-**

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

### **137. Consent Of A Competent Authority May Be Proved By Written Document Under His Signature :-**

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

### **138. Signature On Notices May Be Stamped :-**

Every license, written permission, notice, or other document, not being a summons or warrant or search warrant, required by this

Act, or the rule made thereunder, shall bear the signature of the competent authority and shall be deemed to be properly signed, if it has been authorized for issue by him and bears the facsimile of his signature stamped thereon.

**139. Power To Remove Difficulty :-**

If any difficulty arises in giving effect to any of the provisions of this Act, the State Government may by order do anything, not inconsistent with the provisions thereof, which appears to it to be necessary or expedient for the purpose of removing the difficulty and every order so made under this section shall be laid on the Table of the State Legislature:

Provided that no such order shall be made under this section after the expiry of two years from the commencement of this Act.

**140. Persons Aggrieved May Apply To State Government To Annul, Reverse Or Alter Any Rule Or Order :-**

Any person adversely affected by any rule or order made by the State Government, under an authority conferred by this Act requiring the public or a particular class of persons to perform certain duties or functions, or to conduct themselves or those under their control in a manner described therein may make a representation to State Government to annul, reverse or alter the said rule or order.

**141. Power To Make Rules :-**

(1) The State Government may, by notification in the Official Gazette and after previous publication, make rules for carrying out the purposes of this Act.

(2) Every rule made under this section 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 not less than ten days which may comprised in one session or in two or more successive sessions and if, before the expiry of the session in which it is so laid or the session immediately following, the Assembly makes any modification in the rule or decides that the rules 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.

#### **142. Power To Make Regulations :-**

The Director-General of Police may, with the previous approval of the State Government and subject to the rules made under section 141 of this Act, by notification published in the Official Gazette, make regulations to carry out the purposes of this Act.

#### **143. Power To Issue Standing Orders :-**

(1) The Director-General of Police may, subject to the rules and the regulations made under this Act, issue standing orders to carry out the purposes of this Act.

(2) Subject to sub-section (1), the Inspector-General, the Deputy Inspector-General, the District Superintendent of Police and Commandant of a Battalion may, with the previous approval of the authority to whom they are directly subordinate and subject to the rules and the regulations made under this Act, issue standing instructions within their respective jurisdiction to carry out the purposes of this Act.

#### **144. Repeal And Savings :-**

(1) The Police Act, 1861 (hereinafter called the said Act) as in force by virtue of section 88 of the Punjab Re-Organization Act, 1966 (Act No. 31 of 1966) in the areas added to Himachal Pradesh under section 5 thereof and as applied to the areas which comprised in Himachal Pradesh immediately before the 1st day of November, 1966 by virtue of the Himachal Pradesh (Application of Laws) Order, 1948 and the Bilaspur (Application of laws) Order, 1949, is hereby repealed, in its application to the State of Himachal Pradesh.

(2) Without prejudice to the provisions contained in the Himachal Pradesh General Clauses Act, 1968 with respect to repeals, any notification, rule, order, registration, appointment, certificate, notice, decision, direction, approval, authorization, consent, application, request or thing made, issued, given or done under the said Act, shall, if in force at the commencement of this Act, continue to be in force and have effect as if made, issued, given or done under the corresponding provisions of this Act.

(3) All references in any enactment to any provision of the said Act shall be construed as a reference to the corresponding provisions of this Act.

(4) The Punjab Police Rules, 1934 as applicable to the State of

Himachal Pradesh shall, except to the extent that a provision may be inconsistent with the provisions of this Act, continue to be in force and shall have effect as if made under the corresponding provisions of this Act.

**145. Repeal Of H.P. Ordinance No. 1 Of 2007 And Savings :-**

( 1 ) The Himachal Pradesh Police Ordinance, 2007 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Ordinance so repealed, shall be deemed to have been done or taken under the corresponding provisions of this Act.

**SCHEDULE 1**

**SCHEDULE-I**

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**SCHEDULE-I**

See sections 24 and 35)

Oath or affirmation on first appointment

"I, \_\_\_\_\_, having been appointed as a Police Officer of Himachal Pradesh do swear in the name of God/ solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established, that I will uphold the sovereignty and integrity of India, that I will duly and faithfully and to the best of my ability, knowledge and judgement perform the duties of my office without fear or favour, affection or ill-will and that I will uphold the Constitution and the laws".

**SCHEDULE 2**

**SCHEDULE-II**

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**SCHEDULE-II**

(See Sections 25 and 36)

### Certificate of Appointment

State\*/District Enrolment Number:-

"\_\_\_\_\_ has been appointed as a Civil/ Armed \* Non-Gazetted Police Officer Grade-I/II\* of the Police Service of the Government of Himachal Pradesh under the provisions of the Himachal Pradesh Police Act, 2007, and is vested with the powers, functions and privileges as well as the duties and responsibilities of a Civil/ Armed \* Police Officer under the said Act"

\* delete the inapplicable

Name & designation of Appointing Authority

Place:

Date: