

Rajasthan Police Act, 2007

14 of 2007

[01-Nov-07]

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Rajasthan Police Act, 2007

14 of 2007

[01-Nov-07]

Government of Rajasthan Law (Legislative Drafting) Department (Group-II) Notification In pursuance of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to authorise the publication in the Rajasthan Gazette of the following translation in the English language of the Rajasthan Police Adhiniyam, 2007 (2007 Ka Adhiniyam Sankhyank 14):- (Authorised English Translation) [Received the assent of the Governor on the 30 th day of October, 2007] An Act to consolidate and amend the law relating to Police Force in the State of Rajasthan and matters connected therewith or incidental thereto. Whereas, respect for and promotion of the human rights of the people, and protection of their civil, political, social, economic and cultural rights is the primary concern of the Rule of law; And Whereas, it is the constitutional obligation of the State to provide impartial and efficient Police Service safeguarding the interests of vulnerable sections of society including the minorities, and responding to the democratic aspirations of citizens; And Whereas, such functioning of the police personnel needs to be professionally organised, service oriented, free from extraneous influences and accountable to law; And

Whereas, it is expedient to redefine the role of the police, its duties and responsibilities by taking into account the emerging challenges of policing and security of State, the imperatives of good governance, and respect for human rights; And whereas, it is essential to appropriately empower the police to enable it to function as an efficient, effective, people-friendly and responsive agency; Now, Therefore, be it enacted by the Rajasthan State Legislature in the Fiftyeighth Year of the Republic of India, as follows:-

CHAPTER 1
Preliminary

1. Short title, extent and commencement :-

(1) This Act may be called the Rajasthan Police Act, 2007. (2) It extends to the whole of the State of Rajasthan, and to the police force of the State deployed outside the State. (3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act.

2. Definitions :-

(1) In this Act, unless the context otherwise requires,- (a) "Chief Secretary" means the Chief Secretary to the State Government; (b) "cyber crime" shall mean and include all offences under the Information Technology Act, 2000 (Central Act No. 21 of 2000) and any other offences committed by use of electronic devices, such as computers, credit cards, internet, ATM, etc; (c) "Director General of Police" means the Police officer appointed as such by the State Government for the overall control, supervision and direction of the police force; (d) "District Superintendent of Police" means the police officer incharge of a Police District; (e) "domestic help" means a person working for remuneration or otherwise in a household; (f) "moral turpitude" means involvement in any crime which pertains to cheating, forgery, intoxication, rape, outraging the modesty of a woman, illicit traffic as defined in the Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988 (Central Act No. 46 of 1988), immoral trafficking as defined in the Immoral Traffic (Prevention) Act, 1956 (Central Act No. 104 of 1956), planned violence or any offence against the State as mentioned in Chapter VI of the Indian Penal Code, 1860 (Central Act No. 45 of 1860); (g) "organized crime" includes any crime committed by two or more persons in pursuance of their common intention of wrongful or unlawful gain; (h) "outpost" means a police

post within the jurisdiction of a Police Station; (i) "Police officer" means any member of the Police Force of the State; (j) "police personnel" shall include police officers and all other persons for whom the appointing authority is the Director General of Police or an officer subordinate to him; (k) "Police Station" means any area declared to be a Police Station under the provisions of the Code of Criminal Procedure, 1973 (Central Act No. 2 of 1974); (l) "power of superintendence" means and includes power of giving directions, guidance and instructions in all administrative matters and includes the power to annul, reverse, rescind or revise any order issued by an authority under the provisions of this Act, subject to the provisions pertaining to investigation as contained in the Criminal Procedure Code, 1973 (Central Act No. 2 of 1974); (m) "Prescribed" means prescribed by the rules made by the State Government under this Act; (n) "Public place" means any place to which the public has access; (o) "Railway Areas" means areas comprised between outermost signals appurtenant to railway tracks including premises of every railway station within the State of Rajasthan and shall include trains on tracks, whether moving or stationary, in any area of the State of Rajasthan; (p) "Ranks" shall mean and include subordinate ranks and supervisory ranks; (q) "Rules" means the rules made under this Act; (r) "Special Cell" means a cell created for dealing with a particular category of crime or providing better service to the community including victims of crime; (s) "State" means the state of Rajasthan; (t) "State Government" means the State Government of Rajasthan; (u) "Subordinate ranks" means all ranks below the rank of Assistant or Deputy Superintendent of Police; (v) "Supervisory ranks" means ranks of Assistant and Deputy Superintendent of Police or above; (w) "tenant", for the purposes of this Act, means a person to whom a house or premises or part thereof has been let out, whether a lease or rent deed has been executed or not; and (x) "Village Guard" means a person enlisted as such under section 48 of this Act. (2) The words and expressions used but not defined in this Act shall have the meaning as assigned to them in the Code of Criminal Procedure, 1973 (Central Act No. 2 of 1974) and the Indian Penal Code, 1860 (Central Act No. 45 of 1860).

CHAPTER 2

Constitution and Organisation of the Police Force

3. Constitution of the Police Force for the State :-

(1) There shall be a Police Force for the State. (2) The Police Force

shall consist of such ranks and such number of police officers and have such organisations as the State Government may, by general or special orders, determine. (3) The organisation of the Police Force may include training institutions, research and development bureaus, technical and support services, intelligence and criminal investigation units, and other institutions and units as determined by the State Government from time to time.

4. Police Ranges :-

The State Government may, by notification, divide the entire territory of the State, other than metropolitan area, into one or more Police Ranges.

5. Metropolitan Areas :-

The State Government shall, as soon as may be, declare any area in the State comprising a city or town whose population exceeds one million to be a Metropolitan area under the provisions of section 8 of the Code of Criminal Procedure, 1973 (Central Act No. 2 of 1974). Explanation: -- In this section the expression "population" means the population as ascertained at the last preceding census of which the relevant figures have been published.

6. Police District and Police District Level Special Cells :-

(1) The State Government may notify any area, including a metropolitan area, within the State as a Police District. (2) The State Government may, by notification, establish one or more Special Cells in a Police District and may appoint an officer not below the rank of Deputy Superintendent of Police to be the in-charge of such special cell.

7. Circles :-

The State Government may, by notification, divide each Police District into one or more Circles.

8. Police Station :-

(1) The State Government may, by notification, establish one or more Police Stations in a circle specifying the jurisdiction of each such Police Station. (2) The State Government may appoint a police officer not below the rank of SubInspector of Police to be the incharge of a Police Station. (3) The State Government may, by notification, establish one or more outposts within the territorial jurisdiction of a Police Station specifying territorial jurisdiction of such outpost.

9. Special provisions pertaining to Railway Areas :-

The State Government may, by notification, create one or more Police Districts embracing such part of Railway Areas in the State as the State Government may specify.

10. Special Police Officers :-

(1) Subject to rules prescribed in this behalf, the District Superintendent of Police may, in consultation with the District Magistrate, by an order in writing, appoint any person to act as a Special Police Officer within his local jurisdiction, for a period as specified in the appointment order. (2) Every special police officer so appointed shall have the same powers, privileges and protection, and shall be liable to perform the same duties and shall be amenable to the same penalties, and be subordinate to the same authorities, as the ordinary officers of police.

11. Additional Police Officers :-

(1) The State Government, or as the case may be, an authority specially empowered by the State Government in this behalf, may appoint Additional police officers for such purposes, and on such terms and conditions and in such manner as may be prescribed. (2) The deployment or deputation of Additional Police Officers may be made at the request of any person showing the necessity thereof, and the cost incurred on such deployment or deputation may be recovered from the person making request for such deployment or deputation in the manner prescribed.

CHAPTER 3

Control, Supervision and Direction of the Police Force

12. Superintendence over the Police Force :-

Power of Superintendence of the Police Force in respect of all matters shall vest in the State Government.

13. Director General of Police :-

(1) The State Government shall appoint a Director General of Police for the overall control, supervision and direction of the Police Force, who shall exercise such powers, perform such functions and discharge such duties, and have such responsibilities, as may be prescribed. (2) The Director General of Police shall be appointed from a panel consisting of officers of the rank of Director General and the officers who have been found suitable for promotion in the rank of Director General, after screening by a Committee constituted for the purpose in accordance with the provisions of the

All India Services Act, 1951 (Central Act No. 61 of 1951): Provided that the panel of officers shall not exceed double the number of cadre posts sanctioned for the rank of Director General in the State. (3) Subject to the rules made under All India Services Act, 1951 (Central Act No. 61 of 1951), the Director General of Police so appointed shall have a minimum tenure of two years. (4) Notwithstanding anything in sub-section (3), Director General of Police may be removed from his post before the expiry of the said tenure by the State Government, consequent upon:- (a) his conviction by the court in a criminal offence or where charges have been framed by the court in a case involving corruption or moral turpitude; (b) his punishment of dismissal, removal, or compulsory retirement from service or of reduction to a lower rank, awarded under the provisions of the All India Services (Discipline* and Appeal) Rules, 1967 or any other relevant rule; (c) his suspension from service in accordance with the provisions of the rules referred to clause (b); (d) his incapacity in the discharge of functions as Director General of Police due to physical or mental illness; (e) his own request; or (f) an administrative exigency which shall be recorded in writing. (5) The State Government may appoint one or more Additional Director General of Police, Inspector General of Police, Deputy Inspector General of Police and Superintendent of Police to assist the Director General of Police, and determine, in consultation with Director General of Police, the functions, duties, responsibilities and powers of such officers.

14. Control, Supervision and Direction of Police Force in a Police Range :-

(1) The State Government shall appoint an officer not below the rank of Deputy Inspector General of the Police to be in charge of a Police Range. (2) The power of control, supervision and direction of the Police Force in a Police Range shall, subject to the overall control of the Director General of Police, vest in the officer in-charge of the Police Range. (3) Subject to the rules made under All India Services Act, 1951 (Central Act No. 61 of 1951), the Officer in-charge of the Police Range so appointed shall have a minimum tenure of two years. (4) Notwithstanding anything in sub-section (3), the officer in-charge of Police Range may be removed from his post before the expiry of the said tenure by the State Government consequent upon:- (a) his conviction by the court in a criminal offence or where charges have been framed by the court in a case involving corruption or moral turpitude; (b) his punishment of

dismissal, removal, or compulsory retirement from service or of reduction to a lower rank, awarded under the provisions of the All India Services (Discipline and Appeal) Rules, 1967 or any other relevant rule; (c) his suspension from service in accordance with the provisions of the rules referred to in clause (b); (d) his incapacity in the discharge of functions due to physical or mental illness; (e) his own request; or (f) an administrative exigency which shall be recorded in writing

15. Control, Supervision and Direction of Police Force in Metropolitan Areas :-

(1) The State Government shall appoint a Commissioner of Police in a Metropolitan area. (2) The Commissioner of Police shall be an officer not below the rank of Inspector General of Police and shall be appointed from a panel of officers recommended by a committee consisting of the following:- (a) Chief Secretary; (b) Secretary in-charge, Home Department of the State; (c) Secretary in-charge, Department of Personnel of the State; (d) Director General of Police. (3) The Control, Supervision and Direction of the Police Force in a Metropolitan Area shall, subject to the overall control of the Director General of Police, vest in the Commissioner of Police. (4) The Commissioner of Police appointed under sub section (1) shall exercise such powers, perform such functions and discharge such duties, and shall have such responsibility and authority as may be determined by the State Government by a general or special order. (5) Subject to the rules made under All India Services Act, 1951 (Central Act No. 61 of 1951), the Commissioner of Police shall have a minimum tenure of two years. (6) Notwithstanding anything in sub-section (5), the Commissioner of Police may be removed from his post before the expiry of the said tenure by the State Government consequent upon:- (a) his conviction by the court in a criminal offence or where charges have been framed by the court in a case involving corruption or moral turpitude; (b) his punishment of dismissal, removal, or compulsory retirement from service or of reduction to a lower rank, awarded under the provisions of the All India Services (Discipline and Appeal) Rules, 1967 or any other relevant rule; (c) his suspension from service in accordance with the provisions of the rules referred to clause (b); (d) his incapacity in the discharge of functions due to physical or mental illness; (e) his own request; or (f) an administrative exigency which shall be recorded in writing. (7) The State Government may appoint one or more Additional, Joint,

Deputy, or Assistant Commissioners to assist the Commissioner of Police in the discharge of his duties and determine, in consultation with the Commissioner, the functions, duties, responsibilities, and powers of such officers.

16. Control, Supervision and Direction of Police Force in a Police District :-

(1) The State Government may appoint a District Superintendent of Police for a Police District: Provided that in a metropolitan area, District Superintendent of Police shall be designated as Deputy Commissioner of Police and references to District Superintendent of Police in this Act shall, in relation to a metropolitan area, be construed accordingly. (2) The power of control, supervision and direction of the Police Force in a Police District shall, subject to the overall control of the Director General of Police, vest in the District Superintendent of Police. (3) Subject to the rules made under All India Services Act, 1951 (Central Act No, 61 of 1951), the District Superintendent of Police shall have a minimum tenure of two years. (4) Notwithstanding anything in sub-section (3), District Superintendent of Police may be removed from his post before the expiry of the said tenure by the State Government consequent upon:- (a) his conviction by the court in a criminal offence or where charges have been framed by the court in a case involving corruption or moral turpitude; his punishment of dismissal, removal, or compulsory retirement from service or of reduction to a lower rank, awarded under the provisions of the All India Services (Discipline and Appeal) Rules, 1967 or any other relevant rule; (b) his suspension from service in accordance with the provisions of the rules referred to clause (b); (c) his incapacity in the discharge of functions due to physical or mental illness; (d) his own request; or (e) an administrative exigency which shall be recorded in writing; (5) The State Government may appoint one or more Additional, Deputy or Assistant Superintendent of Police to assist the District Superintendent of Police. (6) The powers, functions and duties of police officers appointed under subsection (5) shall be such as may be determined by the Director General of Police by general or special order.

17. Control, Supervision and Direction of Police Force in a Police circle :-

(1) The State Government may appoint an officer not below the rank of Deputy Superintendent of Police to be the In-charge of a Police circle: Provided that in a metropolitan area, the In-charge of

a Police circle shall be designated as Assistant Commissioner of Police and references to officer incharge of a Police circle in this Act shall, in relation to a metropolitan area, be construed accordingly. (2) The power of control, supervision and direction of the Police Force in a Police circle shall, subject to the overall control of the Director General of Police, vest in the officer in-charge of a Police circle. (3) The officer in-charge of a Police circle shall have a minimum tenure of two years. (4) Notwithstanding anything in sub-section (3), officer in-charge of a Police circle may be removed from his post before the expiry of the said tenure by the State Government consequent upon:- (a) his conviction by the court in a criminal offence or where charges have been framed by the court in a case involving corruption or moral turpitude; (b) his punishment of dismissal, removal, or compulsory retirement from service or of reduction to a lower rank, awarded under the provisions of the All India Services (Discipline and Appeal) Rules, 1967 or any other relevant laws; (c) his suspension from service in accordance with the provisions of the rules referred to in clause (b); (d) his incapacity in the discharge of functions due to physical or mental illness; (e) his own request; or (f) an administrative exigency which shall be recorded in writing;

18. Supervision of Police Force in Railway Areas :-

(1) The State Government may appoint an officer in the rank of Inspector General of the Police to be the incharge of the Railway Areas. (2) The power of control, supervision and direction of the Police Force in the Railway Areas shall, subject to the overall control of the Director General of Police, vest in the Inspector General of Police, in-charge of the Railway Areas. (3) The State Government may appoint an officer in the rank of Superintendent of Police to be the in-charge of the Police District of Railway Areas, and power of control, supervision and direction shall, subject to the overall control of the Director General of Police, vest in the officer so appointed.

19. Tenure of office of certain police officers on field duties :-

(1) A police officer posted as an officer in-charge of a Police Station or as an officer in-charge of a Crime Investigation Unit shall have a minimum tenure of two years. (2) Notwithstanding anything in sub-section (1), any officer referred to in that sub-section may be transferred from his post before the expiry of the said tenure, consequent upon- (a) his promotion to a higher post; (b) his

superannuation; (c) his conviction by the court; (d) charges having been framed against him by the court in a criminal offence; (e) his punishment of dismissal, removal, discharge or compulsory retirement from service or of reduction to a lower rank, awarded under the rules relating to disciplinary actions applicable to him; (f) his suspension from service in accordance with the provisions of the rules referred to in clause (e); (g) his incapacity in the discharge of functions and duties due to physical or mental illness; (h) for filling up a vacancy; (i) his own request; or (j) an administrative exigency which shall be recorded in writing.

20. Regulation of recruitment and condition of services of police officers in subordinate ranks :-

(1) The State Government may make rules for the regulation of recruitment and conditions of service of police officers in subordinate ranks. (2) Subject to the provisions of Article 311 of the Constitution of India, the Director General of Police or any other police officer authorised by the State Government in this behalf may dismiss, remove from service, reduce in rank, or confine to quarters for a term not exceeding fifteen days (with or without punishment-drill, extra guard, fatigue or other duty), any police officer of subordinate ranks found to be remiss or negligent in the discharge of his duties or unfit for the same, or guilty of any misconduct.

CHAPTER 4

State Police Commission and Police Establishment Board

21. State Police Commission :-

(1) The State Government shall establish a State Police Commission (hereinafter referred to as the "Commission"), which shall perform functions-assigned to it under the provisions of this Chapter. (2) Minister-in-charge of the Home Department shall be the Chairman of the Commission and other members of the Commission shall be as follows:-- (a) Leader of the Opposition in the State Legislative Assembly or if there is no Leader of the Opposition, the leader of the largest opposition party (single or group of parties recognized by the Speaker) in the State Legislative Assembly; (b) Chief Secretary; (c) Secretary-in-charge of the Home Department; (d) Director General of Police; and (e) Three persons of eminence (hereinafter referred to as "Independent Members") from any walk of public life to be appointed by the State Government: Provided that atleast one independent member shall be from amongst the weaker sections of the society. (3) The State Government may

appoint a police officer not below the rank of Additional Director General to act as the Secretary to the Commission. (4) The Commission shall follow such rules with regard to its meetings, quorum and transaction of business as may be made by the State Government.

22. Committee for selection of Independent Members :-

Independent Members shall be appointed by the State Government on the recommendation of a panel consisting of the Chief Minister as its Chairman and the following as its members:- (a) Leader of the Opposition in the State Legislative Assembly or if there is no Leader of the Opposition, the leader of the largest opposition party (single or group of parties recognized by the Speaker) in the State Legislative Assembly; (b) Minister-in-charge of the Home Department; (c) Chairman of the Rajasthan State Human Rights Commission.

23. Disqualification for appointment as Independent Member :-

A person shall not be eligible to be appointed as an Independent Member of the Commission if he- (a) is not a citizen of India; (b) has been convicted by the court or against whom charges of an offence involving moral turpitude have been framed by the court; (c) has been dismissed, removed or compulsorily retired from any public service; (d) has been declared insolvent by the court; (e) is of unsound mind; or (f) is or has been a Member of Parliament or the Legislature of a State or a local body; or is or has been an office-bearer of any political party or any organisation connected with a political party; or is or has been a member of any political party or any organisation affiliated to a political party.

24. Term and privileges of Independent Members :-

(1) The term of an independent member shall be for a period of three years from the date of his appointment and he shall not be eligible for reappointment. (2) An independent member shall serve in an honorary capacity and the privileges and facilities to be extended to such member shall be such as may be prescribed.

25. Removal of an Independent Member :-

State Government may remove an independent member- (a) on grounds of;-- (i) failure to attend three consecutive meetings of the Commission without sufficient cause; (ii) incapacitation by reasons of physical or mental infirmity; or (iii) otherwise becoming unable to discharge his functions as a member. (b) on the recommendation

of the selection committee referred to in Section 22; or (c) if he incurs any disqualification specified in Section 23.

26. Functions of the Commission :-

The Commission may perform the following functions, namely:- (a) to advise the State Government on policy guidelines for promoting efficient and accountable policing; (b) to assist the State Government in identifying performance indicators to evaluate the functioning of the Police Force; (c) to communicate its views periodically on the performance of the Police Force; (d) to formulate perspective plans for policing and submit them to the State Government; (e) to analyse crimes in the State and suggest preventive measures; (f) to draw up a strategic plan for a five year period, duly identifying the objectives of policing sought to be achieved during the period and setting out an action plan for their implementation; (g) to prepare training policy for police officers of different ranks and categories; and (h) to perform such other functions as specified by the State Government from time to time.

27. Annual report of the Commission :-

(1) The Commission shall, at the end of each year, present to the State Government a report of its work during the preceding year as well as of the performance of the Police Force. (2) The State Government shall cause the annual report to be laid before the House of the State Legislature in the Budget Session.

28. Police Establishment Board :-

(1) The State Government shall constitute a Police Establishment Board (hereinafter referred to as the "Board") with the Director General of Police as its Chairman and four police officers not below the rank of Inspector General of Police as its members. (2) The Board shall perform the following functions:- (a) recruitment of Constables in accordance with the relevant service rules; (b) promotion in the subordinate ranks in accordance with relevant service rules; (c) prescribe guidelines for transfer of subordinate ranks with the approval of the State Government; (d) transfer of subordinate ranks from one range to another and transfer of police officers in the rank of Deputy Superintendent of Police; (e) prepare proposal for transfer of police officers in the rank of Additional Superintendent of Police and submit the same to the State Government; and (f) analyze the grievances of police personnel and suggest remedial measures to the State Government. (3) For recruitment of constables and for promotion in the subordinate

ranks, the Board may appoint one or more Committees headed by an officer not below the rank of Inspector General of Police. (4) The Police Establishment Board shall follow such rules with regard to its meetings, quorum and transaction of business as may be made by the State Government.

CHAPTER 5

Functions, Duties and Responsibilities of Police Officers

29. Functions, Duties and responsibilities of police officers

:-

(1) The following shall be the functions, duties and responsibilities of a police officer: (a) to enforce the law, and to protect life, liberty, property, rights, dignity and human rights of the people; (b) to prevent crime and public nuisance; (c) to maintain public order; (d) to preserve internal security, prevent and control terrorist activities, and to prevent breach of public peace; (e) to protect public property; (f) to detect offences and bring the offenders to justice; (g) to apprehend persons whom he is legally authorised to apprehend and for whose apprehension sufficient grounds exist; (h) to help people in situations arising out of natural or man-made disasters, and to assist other agencies in relief measures; (i) to facilitate orderly movement of people and vehicles, and to control and regulate traffic; (j) to gather intelligence relating to matters affecting public peace and crime; (k) to provide security to public authorities in discharging their functions and duties; and (1) to perform such duties and discharge such responsibilities as may be enjoined upon him by law or by an authority empowered to issue such directions under any law. (2) The State Government, or an authority specially empowered in this behalf by the State Government, may assign such other duties and responsibilities to police officers as may be specified by the State Government.

30. Social responsibilities of the police officers :-

Every police officer shall:- (a) behave with the members of the public with due courtesy and decorum, particularly so in dealing with senior citizens, women, children and members of weaker sections of society; (b) guide and assist members of the public, particularly senior citizens, women, children, and the physically or mentally challenged individuals, who are found in helpless condition on the streets or other public places; (c) provide requisite assistance to victims of crime and of road accidents; (d) prevent harassment of senior citizens, women and children in public places and public transport including stalking, making objectionable

gestures, signs, remarks or harassment caused in any way; (e) render lawful assistance to the members of the public, particularly women, children, and members of the weaker section of the society. Explanation: - "senior citizen" means a person of and above the age of sixty five years.

31. Recording of information in cognizable cases :-

(1) The officer in-charge of a Police Station shall promptly receive and record every information relating to the commission of a cognizable offence in accordance with the provisions of the Code of Criminal Procedure, 1973 (Central Act No. 2 of 1974). (2) Where a n y person sends or gives information to the District Superintendent of Police of the facts, which prima facie constitute a cognizable offence, and alleges that the officer in-charge of the Police Station having jurisdiction has refused to record the information, the District Superintendent of Police shall immediately proceed to take or cause to be taken disciplinary action as per rules against the officer in-charge of the Police Station. (3) Any punishment awarded in the said disciplinary proceedings shall be recorded in the service record of the concerned officer and shall be considered always when his efficiency and performance is required to be adjudged.

32. Senior police officer performing duties of a subordinate police officer :-

A senior police officer may perform any duty assigned by law or by a lawful order to any officer subordinate to him, and in case of any duty imposed on such subordinate, a superior officer 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 the same shall appear necessary or expedient for giving more complete or convenient effect to the law or for avoiding any infringement thereof.

33. Police officer always on duty :-

Every police officer shall be considered to be always on duty for all purposes of this Act.

34. Police officers may be deployed in any part of the State :-

Every police officer may, at any time, be deployed as a police officer in any part of the State.

35. Police officers not to engage in other employment :-

No police officer shall engage in an employment or office whatsoever, other than his duties under this Act, unless expressly permitted to do so in writing by the State Government.

36. Police officers not to withdraw from duty :-

No police officer shall be at liberty to withdraw himself from duties of his office unless expressly allowed to do so by an officer authorised to grant such permission.

37. Police officers may lay information before a Magistrate :-

It shall be lawful for any police officer to lay any information before a Magistrate having jurisdiction, and to apply for a summon, warrant, search warrant or such other legal process as may, by law, be issued against any person committing an offence.

38. Police officers to take charge of unclaimed property :-

(1) It shall be the duty of every police officer to take charge of unclaimed property, and to furnish an inventory thereof to the Police Station having jurisdiction. (2) The manner of disposal of such property shall be such as may be prescribed. Explanation: - For the purposes of this section "property" shall mean any movable property, money or valuable security.

39. Police officers to keep diary :-

It shall be the duty of every officer in-charge of a police station or an outpost to keep a general diary in such form and manner as may be prescribed.

40. The State Government may prescribe form of returns :-

(1) The State Government may prescribe the forms and the manner of returns to be submitted to it by the Director General of Police. (2) The Director General of Police may specify the forms and manner of returns to be furnished to him by other police officers.

41. Uniforms, insignia, accoutrements, etc. :-

(1) The State Government may prescribe uniform, insignia and accoutrements for police officers or as the case may be, a class of police officers. (2) The Director General of Police may, from time to time, issue directions for wearing of uniforms and carrying of insignia and accoutrements.

CHAPTER 6

Special Provisions for Policing

42. Crime Investigation Units :-

(1) The State Government may, by general or special order, create in each such Police Station, as it may decide from time to time, a separate Crime Investigation Unit, headed by an officer not below the rank of Sub-Inspector of Police: Provided that such crime investigation unit in a metropolitan area shall be established by the State Government within a period not exceeding five years from the notification of a metropolitan area. (2) The State Government may, by general or special order, create in office of the Director General of Police or in any police district, one or More Special Crime Investigation Units headed by an officer not below the rank of Inspector of Police, for investigation of cyber crimes, organised crimes and such other offences as may be specified by the Director General of Police by general or special order. (3) The police officers posted to such units shall not be assigned to any other duty, except under very special circumstances with the permission of the Director General of Police.

43. Power to reserve public places and raise barriers :-

Subject to such checks and restrictions as may be specified by the District Magistrate- (a) The District Superintendent of Police may temporarily reserve, by public notice, any street or other public place for any public purpose, and regulate the movement of persons and vehicles in the area so reserved; and (b) The District Superintendent of Police may, in the interest of general public, authorise any police officer to raise barriers and other necessary structures on public roads and streets for maintenance of public order or to check vehicles or occupants thereof for prevention or detection of any crime.

44. Preservation of order :-

(1) Subject to such checks and restrictions as may be specified by the District Magistrate, the District Superintendent of Police or any police officer authorised by him for this purpose, may issue general or special orders for regulating all assemblies and processions on public roads, or in public streets or thoroughfares and prescribe the routes by which, and the times at which, such processions may pass: Provided that where the District Superintendent of Police or the officer authorized by him is satisfied that it is intended by any persons or class of persons to convene or collect an assembly in any such road, street or thoroughfare, or to form a procession which would, if uncontrolled, be likely to cause a breach of the peace, he may direct such persons or class of persons to seek permission from the District Magistrate or any officer authorised by him for this

purpose. (2) The District Magistrate or the officer authorised by him may grant the requisite permission with such conditions as he may deem appropriate: Provided that he may refuse to grant permission to convene or collect an assembly in any such road, street or thoroughfare, or form a procession which would, in his opinion, be likely to cause a breach of the peace. (3) Any police officer on whom the responsibility to regulate a public assembly or a procession is enjoined upon, may stop any procession which does not-possess the permission referred to in sub-section (2) or which, in his opinion, violates the conditions of the permission, and may order any such procession or any such assembly to disperse. (4) Any procession or assembly which neglects or refuses to obey any order given under the last preceding sub-section, shall be deemed to be an unlawful assembly. (5) The District Superintendent of Police may, in the interest of general public, issue orders for regulating the entry or exit or hours of operation of a public place.

45. Power to seek information :-

The District Superintendent of Police may, by an order, require every owner of a household, a shop, or a public premise, to furnish details of a tenant or domestic help in the format specified by him for this purpose.

46. Payment for police service :-

The State Government may levy from any person, who carries on any such occupation, gathering, exhibition, sale, entertainment, etc., for monetary gain, as may, for the purpose of public security or for the maintenance of public peace or order, require deployment of additional police force, such user charges as may be prescribed.

47. Regulation of Traffic :-

The District Superintendent of Police or any officer specially authorized by the State Government for management of traffic in any area may, from time to time, issue directions for regulating the use of public roads and streets in respect of motorists, cyclists, pedestrians and persons accompanying animals, and for regulating the parking of vehicles including bicycles, with a view to ensure smooth and orderly movement of traffic.

48. Enlistment of village guards in rural areas :-

(1) The District Superintendent of Police may, in the manner prescribed, enlist a person to function as a village guard for a village or group of villages in a Police District under his charge. (2) Able-bodied persons not below the age of 30 years and above the

age of fiftyfive years at the time of such enlistment and residing in a village, or in the case of a group of villages in a village of that group, may be enlisted as village guards. (3) The District Superintendent of Police shall observe the following order of preference in the process of enlistment, namely:- (a) an employee of the State Government, subject to the prior approval of his Head of Office for such enlistment; (b) an employee of a local body, or any other institution owned or controlled substantially by the Central or State Government subject to the prior approval of his Head of Office for such enlistment. (c) Home Guard volunteer; (d) Ex-servicemen. (4) A person shall not be enlisted as a village guard, if- (a) he has been convicted for an offence involving moral turpitude; (b) a criminal case has been registered and is pending against him; (c) he is a member of a political party or its affiliate; or (d) he does not possess such educational qualifications as may be prescribed.

49. Tenure of village guards :-

A person enlisted as a village guard will have a tenure of three years. The tenure shall not be extended or renewed: Provided that a village guard shall be removed from the assignment at any time during the currency of his enlistment, if he incurs any of the ineligibilities specified in sub-section (4) of section 48 or found negligent in discharge of his duties and responsibilities as Village Guard.

50. Duties and responsibilities of village guards :-

The duties and responsibilities of a village guard shall include:- (a) reporting the occurrence of any crime or law and order situation in the village, at the earliest, to the police station and assisting the police in bringing the offenders to book; (b) maintaining a general vigil in the village from the point of view of crime prevention or prevention of a law and order problem, and promptly informing the police station about the same; (c) remaining alert and sensitive to any information about any suspicious activity, movement of suspicious persons or development of any conspiracy in the village, that is likely to lead to a crime or breach of law and order, and promptly passing on such information to the police station; (d) assist a private person authorized to arrest a person under section 43 of the Code of Criminal Procedure, 1973 (Central Act No.2 of 1974), in arresting such person and handing over him to a police officer, or as the case may be, in taking him to the nearest Police Station, alongwith any arms, ammunition, property or any other

object found in his possession or on his person: Provided that if the offender is a woman, a male village guard shall be accompanied by a woman; (e) securing and preserving the scene of any crime till the arrival of the police, duly ensuring that it is not disturbed by curious onlookers or anyone else; (f) meeting the Officer in-charge of the Police Station at a minimum frequency as prescribed by the Superintendent of Police through a general or special order, to report on such activities-and incidents in the village as would have a bearing on crime, law and order or other policing concerns; (g) maintaining the prescribed records and registers; (h) recording any public grievances or complaints in relation to policing; and (i) liaising with the village Panchayat on matters relating to crime and law and order in the village.

51. Training of village guards :-

The Superintendent of Police shall ensure that every person, on his induction as a village guard, is administered such training course and for such period as may be determined by the Director General of Police.

52. Oath or affirmation by village guards :-

Every person enlisted as a village guard shall take an oath or affirmation, as may be prescribed, before the officer in-charge of the police station concerned.

53. Village guard to be an honorary worker :-

(1) A village guard shall be an honorary worker and shall be deemed to be a Public Servant within the meaning of the Section 21 of the Indian Penal Code, 1860 (Act No. 45 of 1860). (2) A village guard may be paid such honorarium and out of pocket expenses as may be determined by the State Government.

54. Identification of village guard :-

(1) Every village guard shall be provided an Identity Badge and a photo Identity Card in such form and manner as may be prescribed. (2) Every village guard shall always wear the Identity Badge and keep the photo Identity Card with him while he is engaged in discharging his functions and responsibilities under this Act. (3) Any person who ceases to be a village guard shall forthwith deliver to the District Superintendent of Police or to an officer authorised by him, his Identity Badge and Photo Identity Card.

55. Community Liaison Group :-

(1) The District Superintendent of Police shall constitute, in the

manner prescribed, one or more Community Liaison Group consisting of representatives of the community for each Police Station, to aid and assist the Police Force in the discharge of its functions: Provided that atleast one community liaison group shall be constituted for every Panchayat. (2) Community liaison group shall perform functions and have responsibilities as may be prescribed.

CHAPTER 7

Welfare and Grievance Redressal

56. Welfare of Police Personnel :-

The State Government may, by general or special order, specify such measures as deemed appropriate, for the welfare of police personnel.

57. Funds for the welfare of police personnel :-

(1) The State Government may, by notification, constitute funds for the purpose of welfare of police personnel and their dependents. (2) The funds shall be utilized, administered and audited in such manner as may be prescribed. (3) The following sums shall be credited to the funds, namely;- (a) any grant made by the State Government; (b) contributions made in the fund by police personnel; (c) any other grant, donation, bequest made for the purposes of the funds.

58. Police Welfare Bureau :-

(1) The State Government may, by notification, set up a Police Welfare Bureau for implementing welfare measures for police personnel. (2) Composition, functions and responsibilities of the Police Welfare Bureau shall be such as may be prescribed.

59. Grievance redressal of police personnel :-

(1) The State Government shall prescribe the mechanism and the procedure for the redressal of the grievances of police officers. (2) Such mechanism shall ensure a set-up for grievance redressal at the Police District, Police Range and Director General of Police level and shall ensure that every police officer has the right of at least one appeal if he is not satisfied with the disposal of his grievance.

CHAPTER 8

General Offences and Penalties

60. Punishment for certain offences on roads, etc. :-

Any person who, on any road or in any open place or street or thoroughfare within the limits of any town to which this section

shall be specially extended by the State Government commits any of the following offences, to the obstruction, inconvenience, annoyance, risk, danger or damage of the residents or passengers shall, on conviction before a Magistrate, be liable to a fine not exceeding fifty rupees, or to imprisonment with or without hard labour not exceeding eight days; and it shall be lawful for any police-officer to take into custody, without a warrant, any person who within his view commits any of such offences; Slaughtering catties, furious, riding etc-- First-- any person who slaughters an cattle or cleans any carcasses; any person who rides or drives any cattle recklessly, or furiously, or trains or breaks any horse or other cattle; Cruelty to animals-- Second-- Any person who wantonly or cruelly beats, abuses or tortures any animals; Obstructing passengers-- Third-- Any person who keeps any cattle or conveyance of any kind standing longer than is required for loading or unloading or for taking up or setting down passengers, or who leaves any conveyance in such a manner as to cause inconvenience or danger to the public; Exposing goods for sale-- Fourth-- any person who exposes any goods for sale; Throwing dirt into street-- Fifth-- Any person who throws or lays down any dirt filth, rubbish or any stones or building materials, or who constructs any cowshed, stable or the like, or who causes any offensive matter to run from any house, Factory, dung heap or the like; Being found drunk or riotous -- Sixth-- any person who is found drunk or riotous or who is incapable of taking care of himself; Indecent exposure of person-- Seventh-- Any person who willfully and indecently exposes his person, or any offensive deformity or disease, or commits nuisance by easing himself, or by bathing or washing in any tank or reservoir not being a place set apart for that purpose; Neglect to protect dangerous places-- Eighth-- any person who neglects to fence in or duly to protect any well, tank or other dangerous place or structure.

61. Unauthorised use of police uniform :-

Whoever, not being a police officer, wears a police uniform or any dress having the appearance or bearing any of the distinctive marks of that uniform without being authorised by the State Government or as the case may be, an officer authorised-by the State Government, shall be punished with imprisonment not exceeding six months or with fine or with both.

CHAPTER 9

Police Accountability

62. Police accountability :-

(1) The State Government may, as soon as may be, establish a State Police Accountability Committee (hereinafter referred to as "State Committee"), and District Accountability Committee (hereinafter referred to as "District Committee") for each district or group of districts. (2) The Chairman and the Members of the Committees established under this section may be paid such honorarium and out of pocket expenses as the State Government may, from time to time, determine by a general or special order.

63. The State Committee :-

(1) The State Committee shall have five members nominated by the State Government as follows:- (a) four persons of eminence with experience in public dealing and having credible record of integrity and commitment to human rights as independent members: Provided that one independent member shall be from weaker sections of society and one from women; (b) One officer of the rank of Additional Director General of Police as its Member-Secretary; (c) The Government shall appoint one of the independent members as the Chairman of the State Committee. (2) The State Committee may be provided with such secretarial assistance as the Government may determine, from time to time, by a general or special order.

64. The functions of the State Committee :-

The functions of the State Committee shall be as follows:- (a) to enquire into allegations of "serious misconduct, against police officers in the Supervisory ranks, either suo moto or on a complaint received from a victim or any person on his behalf or from the District Committee; (b) to carry out such other functions as the Government may, from time to time, specify; (c) to make recommendations to the State Government on any case enquired into by it, wherever required. Explanation: - "serious misconduct" for the purpose of this Section shall mean: (I) any mala fide act of omission or commission by a police officer that leads to or amounts to: (i) grievous hurt; (ii) illegal detention; or (iii) any other offence for which the maximum punishment prescribed in law is ten years or more. (II) Extortion by a police officer.

65. Powers of the State Committee :-

The State Committee shall, while discharging its functions under this Act, have same powers as are vested in a court under the Code of Civil Procedure, 1908 (Central Act No. 5 of 1908) when trying a

suit, in respect of the following matters, namely:- (a) enforcing the attendance of any person and examining him on oath or affirmation; (b) compelling the production of documents; and (c) issuing commission for examination of witnesses, and the proceedings before the Committee shall be deemed to be the judicial proceedings within the meaning of sections 193, 196 and 228 of the Indian Penal Code, 1860 (Central Act No. 45 of 1869).

66. District Committee :-

(1) The District Committee shall have five members nominated by the State Government as follows:- (a) four persons of eminence with experience in public dealing and having credible record of integrity and commitment to human rights as independent members Provided that one independent member shall be from weaker sections of society and one from women. (b) One officer of the rank of Additional Superintendent of Police as its MemberSecretary; (c) The Government shall appoint one of the independent members as the Chairman of the District Committee.

67. The Functions of the District Committee :-

The District Committee shall perform the following functions:- (a) to enquire into allegations of serious misconduct, against police personnel in subordinate rank, either suo motto or on a complaint and to send its recommendations to the disciplinary authority concerned: Provided that the disciplinary authority shall take decision on the recommendations made by the committee within a period of three months and send a copy of the decision also for information of the committee; (b) to monitor departmental enquiries against police officers in the subordinate ranks; (c) to refer to the State Committee complaints received to it against the police officers in the supervisory ranks and such other matters as it may deem fit.

68. Tenure of independent members of the Committees :-

(1) The tenure of an independent member of the State Committee or the District Committee shall be two years and no independent member shall be nominated for the second term in the same committee. (2) The State Government may remove an independent member of the State Committee or the District Committee, if he incurs any disqualification specified in Section 69, or if he fails to perform duties: enjoined upon him as an independent member.

69. Disqualification for nomination as Independent Member :-

A person shall not be eligible to be nominated as an Independent Member of the State Committee or of the District Committee, if he- (a) is not a citizen of India; (b) has been convicted by a court of law, or against whom charges of an offence involving moral turpitude have been framed by a court; (c) has been dismissed, removed or compulsorily retired from any public service; (d) has been declared insolvent by a court of law; (e) is of unsound mind; or (f) is or has been a Member of Parliament or the Legislature of a State or a local body; or is or has been an office-bearer of any political party or any organisation connected with a political party; or is or has been a member of any political party or any organisation affiliated to a political party.

CHAPTER 10

Miscellaneous

70. Powers of District Magistrate in certain cases :-

(1) It shall be lawful for the District Magistrate, in addition to the provisions of the Code of Criminal Procedure, 1973 (Central Act No. 2 of 1974) and other relevant laws, to coordinate the functioning of the police with other agencies of district administration in respect of matters relating to the following:- (a) disturbance of the public peace and tranquility in the district; (b) the settlement of land disputes;. (c) the conduct of elections to any public body; (d) the handling of natural calamities and rehabilitation of the persons affected thereby; (e) situations arising out of any external aggression or internal disturbances; (f) any similar matter, not within the purview of any one department and affecting the general welfare of the public of the district; and (g) removal of any public grievance. (2) On the matters given in sub section (1) the District Magistrate may call for a report regarding the steps taken by the police or other agency to deal with the situation and give such directions in respect of the matter as are considered necessary by him (District Magistrate) to the police and the concerned agency.

71. Power to make Rules :-

(1) The State Government may make rules for carrying out the purposes of this Act, (2) All rules made under this Act shall be laid, as soon as may be after they are so made, before the House of the State Legislature, while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which they are so laid, or of the session immediately following, the House of the State Legislature makes any modifications in any of such rules, or

resolves that any such rule should not be made, such rules 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 thereunder. (3) Every rule made under this Act shall be published by the State Government in the Official Gazette.

72. Power to remove difficulties :-

(1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by notification in the Official Gazette, make such provisions, not inconsistent with this Act, as it deems necessary or expedient for removing the difficulty: Provided that no order under this section shall be made after expiry of three years from the date of the commencement of this Act. (2) Every notification issued under this section shall, as soon as may be after it is issued, be laid before the House of State Legislature.

73. Repeal and Saving :-

(1) The Indian Police Act, 1861 (Central Act No. 5 of 1861) in its application to the State of Rajasthan and the Rajasthan Police Integration Ordinance, 1949 are hereby repealed. (2) The repeal under sub-section (1) shall not affect the previous operation of the enactment so repealed and anything done or action taken or deemed to have been done or taken (including any appointment or delegation made, notification, order, direction or notice issued, regulations or rules made) by or under the provisions of the repealed enactment shall, insofar as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the provisions of this Act, and shall continue in force unless and until superseded by anything done or any action taken under this Act. Mahesh Bhagvati Secretary to the Government