

The Bihar Police Act, 2007

Act 1 of 2007

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(BIHAR ACT 1, 2007)

BIHAR POLICE ACT

Introduction

That, promotion and respect of the human rights of individual and protection of their civil, political, social, economic- and cultural rights is the first responsibility of the law;

And ,that, it is the constitutional responsibility of the state to provide an impartial and capable police services for the protection of the interests of the weaker section of the society including the minorities and respect the democratic sentiments of the citizens;

And, that, for such a purpose it is necessary that the police personnel are professionally organized, service oriented free from outside influences and accountable to the law;

And, that, keeping in view the challenges emerging before the police and the security of the state, administration of good governance and the respect of the human rights ,it is necessary to redefine the role of the police, their duties and responsibilities;

And, that, it is necessary to appropriately strengthen the police so that it is capable of working as an efficient ,effective, people friendly and accountable agency;

Therefore, to provide for the establishment and management of the police service, now, it is necessary that a new law is enacted as follows.

Be it enacted by Bihar State Legislature in the Fifty-eighth year of the Republic of India.



Chapter I

Preliminary

1. Short title, extent and commencement;

- (a) This Act may be called The Bihar Police Act,2007
- (b) It shall come into force on such date as the state government may, by notification, appoint.
- (c) It extend to the whole of the state of Bihar

2. Definitions.

(1) In this Act, unless the context otherwise requires,-

- (a) “**Act**” means the Bihar Police Act, 2007.
- (b) “**Cattle**” means cattle having horns, elephants, camels, horses, mares, ponies, sheep, goats, and pigs.
- (c) “**Rebel**” means armed struggle including any political design against the state by a group or class of the population with a view to disintegrate any part of India
- (d) “**Internal security**” means protection of sovereignty and integrity of the state from separatists and anti-national elements within the state;
- (e) “**Militant activity**” includes violent activities by any group using explosives ,inflammable materials, fire arms or other deadly weapons or hazardous materials in order to achieve their political objectives;
- (f) “**Organized Crimes**” includes any crime committed by any group or network of individuals using violent methods or threats or violence with a view to get illegal benefits;

- (g) **“Terrorist Activities”** includes activities by any individual or any group using explosives or inflammable materials, fire arms or other deadly weapons or hazardous gases or other chemicals or other kinds of hazardous materials with a view to spread terror in the society or in any class of the society and to destabilize any legitimate government;
- (h) **“Cyber Crimes”** includes offensive activities relating to information technology ,illegal access (unauthorized access).illegal obstruction (illegal transfer of data to the computer system, there from or therein through technical means)interception of data(illegal loss, deletion change, hiding of computer data) interception in the system (interference in the operation of a computer system through the act of insertion, transfer, loss, deletion, change or hiding of computer data), misuse of instruments, fraud (theft of ID) and electronic offences.
- (i) **“Moral Turpitude”** means involvement in any crime which includes violence, fraud,deciet peddling of drugs or crime against the state or any crime related to it, wherein a punishment of three years or more has been specified.
- (j) **“Government”** means the State Government of Bihar.
- (k) **“Chief Secretary”** means the chief secretary of the Government.
- (l) **“Place of public amusement and public entertainment”** means the place where people can enter by paying a fee or without paying the fee and this includes:
- (1) Picture hall
 - (2) Theatre
 - (3) Banquet hall
 - (4) Stadium
- (m) **“Police district”** means the tract notified under section 7 of chapter II of this Act, which is different from revenue district.
- (n) **“Police officer”** means member of Bihar police service constituted under this Act.

- (o) “**Public place**” means such place where people can enter which include the following:
- (i) Any public building and monument and their precincts; and
 - (ii) Any place accessible to the public for drawing water, washing or bathing or for the purpose of recreation.
- (p) “**Regulation**” means regulation made under this Act;
- (q) “**Rule**” means rules made under this Act.
- (r) “**Magistrate**” means such executive magistrate as defined in the Code of Criminal Panel code.
- (s) “**District Magistrate**” means District Magistrate appointed for one or more districts by the Government.
- (t) “**Sub-Divisional Magistrate**” means Sub divisional officer appointed for one or more subdivisions by the government.
- (u) “**District superintendent of Police**” includes any Assistant District Superintendent or any person appointed to perform all or any duty of district superintendent of police in any district including district of railway, under this Act.
- (v) “**Property**” means any movable or immovable property, bank account, any kind of investment or valuable securities.
- (w) “**District**” means revenue land notified as District under code of civil procedure 1908.
- (x) “**Power of superintendence**” means and includes power to direct, guide and power of instruction in executive and administrative matters relating to investigation and it also includes the power to repeal, modify, repeal revision of any administrative order issued in such cases by any officer granted power under provisions of the Code of Criminal Procedure, 1973 (2 of Central Act, 1974)

- (y) “**Post**” shall mean and include subordinate post and superintending post.
- (z) “**Superintending Post**” shall mean post of the rank of Deputy/Assistant superintendent of police and above.
- (za) “**Subordinating Post**” means post of the rank of Assistant superintendent of police or deputy superintendent of police or member of lower rank.
- (zb) “**Prescribed**” means prescribed by the government through rule, order, circular or notification etc.

(2) Words and expressions used in this Act shall have the same meaning as defined in General Clauses Act, 1897, The Code of Criminal Procedure 1973 and The Indian Penal Code, 1860.



Chapter II

Constitutional and Organisation of Police Service

(3) Police Service of the State

For the purpose of this Act under the government the whole police organisation shall be treated as one police service. The members of Police Service may be posted in any branch, including special branches of the Police Service in the state.

(4) Constitution of the Police Service

Under the provision of this Act:

(i) For the purpose of this Act, the whole police organisation shall be treated as one Police Service under the government and shall be formally nominated and shall contain such members of officers and police personnel and police force for special purposes such as categories of Bihar Armed Police or Anti-riot combined force as required necessary for the control of Riots etc. and shall be constituted in such a manner as ordered by the Government from time to time.

(ii) The salary, allowances, service conditions of police personnel shall be such as determined from time to time by the government through rule/notification/order etc.

(5) Appointment of Director General, Additional Director General, Inspector General, Deputy and Assistant Inspector General;

(1) The Government shall appoint Director General of Police who shall exercise such powers and perform such functions and duty and such responsibilities and power shall be vested in him which shall be determined.

(2) The government may appoint one or more than one Additional Director Generals and such number of Inspector Generals, Deputy and assistant Inspector Generals as it may deem fit.

(6) Selection and Tenure of Director General of Police;

(1) The Director General of Police shall be appointed from the panel of officers, which include officers already working at the post of Director General of Police or shall contain such officers who have been found suitable for promotion to the post of Director General of Police by the Committee under the rule formed under All India service Act, 1951(61 of The Central Act, 1951)

(2) The Tenure of the Director General of Police appointed in such manner shall normally be of Two Years.

However, the Director General of Police may be transferred from his post before the completion of his Tenure by the government on the reasons which are as follows:

- (a) He has been convicted by any court for any punishable crime or he has been charge sheeted by any court for being involved in any case of corruption, of moral turpitude; or,
- (b) If he is incapable due to any physical or mental ailment or due to any other reason and is not able to discharge the duty of the Director General of Police; or,
- (c) Such a posting shall be subject to the consent of the officer promoted on any higher post under the State or the Union Government.
- (d) Any other administrative reason, which is in favour of the effective discharge of the duty.

(7) Police District

The government through notification may declare any area as a police district. The police administration of such police district shall be vested in the superintendent of police under the general control and superintendence of the District magistrate, who shall be assisted by such Additional Assistant or Deputy Superintendent of Police as deem fit and notified.

(8) Police Station

(1) The government, considering the area status of crime, duty in relation to law and order and the distance being covered by the public in reaching the police station may by notification setup as many police stations along with required number of police posts, as it deem expedient.

(2) For the purpose of control and supervision two or more police station may be placed under one police circle.

(3) The head of the police station shall be the Station House Officer, who shall not be below the rank sub-inspector of police.

However, the large police station may be placed under the supervision of the officer of the rank of Inspector of Police.

(4) The number of police personnel deputed in the police station shall be as much as determined by the government from time to time through the general or special order.

(5) For filing of complaint of crime committed against women and children and for performing the duty related to the administration of special legislation connected with women and children there shall be a women and children protecting desk staff in each police station, wherein as far as possible, women police personnel shall be deputed.

(6) Each police station shall clearly display the guidance issued by the Supreme Court, departmental order connected with arrest and details of persons arrested and put in lock up, along with relevant information which are required to be made public.

(9) Police Station to prevent atrocities against Scheduled Castes/Scheduled Tribes

(1) The Government, through notification, may constitute police stations to prevent atrocities on scheduled castes/scheduled tribes, as required.

(2) Investigation of cases filed in such police station, shall be conducted by a police officer not below the rank of Deputy Superintendent of Police.

(10) Transfer and Posting on Subordinate Posts

(1) Deputation of Police Officer, from the rank of Inspector to Constable on any special post, shall be made by the District Superintendent of police within their jurisdiction. Their tenure shall be 6 years in the district 8 years in range and 10 years in the zone. The transfer from one district to another within the range shall be made by the committee constituting Deputy Inspector General of Police and District Superintendent of Police of the range. The transfer from one range to another shall be made by the committee constituting Inspector General of Police of the zone and Deputy Inspector General of Police of all the range of the zone. Transfer from one zone to another zone shall be made by the committee consisting of the Additional Director General of Police and the Inspector General of Police of the zone.

(2) The tenure of officers posted as the Station House Officer in a Police Station or in charge of police circle or Sub-Division or Superintendent of Police of the district shall be of minimum two years.

However, any of such officers may be transferred from their posts before expiry of the tenure of two years or more for the following reasons:

- (a) On promotion to the higher post or,
- (b) On being convicted or charge sheeted for any punishable crime by any court or,
- (c) On being incapable of discharging their duties due to incapability due to physical or mental ailment or any other reason or,
- (d) Requirement to fill vacancies arising as a result of promotion transfer or retirement or,
- (e) Other administrative reason which is in favour of effective discharging of duties.

(11) Authority of District Superintendent of Police over Rural Police

It will be lawful for the Government to declare that for the purpose of the police, any such authority or any rural watchman or other rural police, being exercised or may be exercised by the District Magistrate, shall be exercised

by the District Superintendent of Police subject to the general control of the District Magistrate.

(12) District Administration

1. In addition to The Code of Criminal Procedure, 1973, and other relevant Act, it shall be necessary for the District Magistrate to maintain coordination between the functioning of the police and the District Administration in the following matters:
 - a) Maintaining law and order.
 - b) Implementation of social security law.
 - c) Control of natural calamities and land reforms.
 - d) Situation arising as a result of any internal disturbance.
 - e) To ensure maintenance of supply of essential items.
 - f) Protection of people of lower and weaker sections.
 - g) Prevention of atrocities on scheduled castes/tribes
 - h) Protection of human right, completion of development project of the state and removal of complaint.
2. For the purpose of such coordination, the District Magistrate may call for general or special information from the Superintendent of Police and head of other departments, whenever required. The District Magistrate, considering the situation may issue proper order or issue written general instructions.
3. The District Magistrate or the Sub-Divisional Magistrate, in order to maintain law and order, to protect minorities or weaker section for the purpose of election or other purposes, may order for the deputation of sufficient number of police force. The District Magistrate shall also ensure that all the department of the district, whose assistance is required for the effective working of the police, provide full assistance to the Superintendent of Police.

(13) Railway Police

1. The Government, through notification in official gazette, covering such areas of the state as specified by the State Government, may create one or more special police district and for each such special police district, may appoint one Superintendent of Police and one or more Assistant and

Deputy Superintendent of Police and other Police Officers in required numbers.

2. Such police officers shall perform the police work relating to the railway administration under the jurisdiction of their duty and shall also perform the duty assigned to them from time to time by the State Government.
3. Any police officer, who has been assigned power to work under this subsection through general or special order, subject to any order issued by the state government for this purpose, may exercise the power equivalent to the power of the Station House Officer of any police station in the concerned special district or in a part thereof. The Police Officer, while exercising these powers, which shall be subject to any such order mentioned above, shall perform duty equivalent to that of the Station House Officer of any police station under the jurisdiction of his Police Station.
4. Subject to any general or special order passed by the State Government for this purpose, such police officer shall have the powers and privilege in each part of the state under this Act or other law in effect at that time, and that shall be subject to the responsibilities of the Police Officer.
5. With the prior permission of the Government, the Superintendent of Police, through this Act or there under, may, delegate the powers and duties vested in him to any Assistant or Deputy Superintendent of Police.

14. The State Intelligence and Crime Investigation Department

- (1) In accordance with the provision of this act, to collect, collate analyse and exchange intelligence there shall be a state Intelligence department and to investigate the inter-state, inter-district and other specified offences there shall be a Crime investigation department.
- (2) The government, shall, appoint an officer equivalent or higher to the rank of the Inspector General of Police as Head of the above mentioned Departments.
- (3) In order to dispose of various kinds of offences, on which special attention is required to be given or special consultation is necessary, there shall be a special wing in the Crime investigation department.

The Head of each wing shall be the officer of the rank of the Superintendent of Police.

- (4) The Government, keeping in view the quantum and the nature of work may appoint sufficient number of officer of different rank to serve in the Crime Investigation Department and The state intelligence Department.

15. Technology and the assistance Services:-

(1) The Government shall, in order to augment the efficiency of the police service, under the overall control of the Director General of Police, create and maintain an auxiliary technical agency and service as required.

(2)(a) The services so created, shall include required number of Members of the state level fully equipped forensic science laboratory, Regional forensic science laboratory for each range and mobile forensic science units equipped with manpower, as required.

(b) The Government shall take all steps to promote the use of science and technology in all aspect of the police services.

(3) The Government ,may ,for the whole state or part there of appoint one or more Director of police telecommunication, who shall not be an officer below the rank of Deputy Inspector General Of police and in order to assist him, may appoint Superintendent of police and Deputy Superintendent of police in required number.

(4) In the same manner , The Government ,may ,for the whole state or part there of appoint one or more Director of police transport, who shall not be an officer below the rank of Deputy Inspector General Of police and in order to assist him, may appoint Superintendent of police and Deputy Superintendent of police in required number.

(16) The communication department

The government shall setup a separate department of communication, which shall have officers and personnel with required qualifications and experience as decided by the government from time to time. This department shall be equipped with all modern facilities of communication in order to update

generation, transmission, retrieval, collection and all types of digital, analogue and other data.

(17) Appointment of Directors of State Police Academy and Police Training Colleges and Schools

The state government shall setup a state police academy and other training institutes at the state level which may be necessary for the training of police personnel of different posts.

(18) The oath or Affirmation made by the Police Personnel

Each member of the police service registered under this Act, on appointment and completion of training shall have to take oath or make affirmation in the prescribed manner before the officer appointed by the superintendent of police or the Director General of Police.

(19) Special Police Officer

1. Any police officer not below the rank of Deputy superintendent of police, may, at any time for the period specified in the appointment order in order to assist the police force, request the district magistrate to appoint any able bodied person between the age of eighteen and fifty as special police officer.
2. Every Special Police Officer on appointment
 - (a) Take specified training and receive a certificate in a proforma approved by the state government in this regard; and
 - (b) Have the same power, privileges and immunities as an ordinary Police officer and be liable to the same duties and responsibilities and subject to the same authorities as an ordinary police officer.

(20) Employment of Additional Police Officer at the cost of person making request

Subject to the general instruction of the district magistrate, it shall be lawful for the Inspector General of Police or Deputy Inspector General of Police or Assistant Inspector General of Police or the District Superintendent of Police to depute on the application of any person, such number of additional police officer to maintain peace at any place in the general police district as deemed fit. Such a police force shall be subject to the order of the District Superintendent of Police and shall be employed at the cost of the person making the application.

Provided such person upon whose application such a deployment has been made, may, giving a written notice of one month, request the Inspector General of Police, Deputy Inspector General of Police or District superintendent of Police or Assistant Inspector General of Police for the withdrawal of the police officer so deployed and such person shall be relieved from the cost of such additional police force at the expiration of such period of notice.

(21) Employment of additional police force at Railway and at large work

Whenever a work on railway, canal or any other public work is carried out or any manufacturing or other commercial business is conducted in any part of the state and it appears to the Director General of Police that the behaviour or a reasonable apprehension of the behaviour of the persons employed on such work manufactory or commercial concern, necessitates the employment of additional police force at such places it shall be lawful for the director General of Police to deploy additional police force at such place and to keep them employed at such place for so long as its necessity appears to continue and it shall be legitimate for the Director General of Police issue order from time to time for the payment of the cost of such additional police force to the person on whose control or custody lies the fund used for carrying out such work, manufacturing or commercial business, and thereafter such person shall make the payment accordingly.

Chapter III

Superintendence and Administration of Police Force

(22) The superintendence of the state police force to vest in the state government.

The overall superintendence and control of the police force shall be vested in the government.

(23) The state police Board

The government shall, within six months of the implementation of this Act, to discharge the duties vested under the provisions of this chapter, establish a state police board.

(24) Structure of the State Police Board

The state police board shall constitute of the following:

1. Chief Secretary- Chairman
2. Director General of Police- Member
3. In charge secretary of department of Home- Member Secretary

(25) Functions of the State Police Board

The State Police Board shall discharge the following duties:

- a) Formation of comprehensive Policy Guidelines, for making police administration efficient, affective, sensitive and accountable according to the law.
- b) Identification of Performance Indicator for Assessment of the working of police service,
The Performance Indicator inter alia, shall contain the following:-
Police Research and Response, accountability, maximum utilisation of amendments, operative efficiency, public satisfaction, and satisfaction of the victims in comparison to the compliance of norms of human rights.

- c) Review and assessment of organisational work of district wise police service in the state in comparison to the Performance Indicator identified and determined and the resources available to and under the control of the police.

(26) Complaint of violation of human rights

Complaints against police personnel and officers in connection with the following matter shall be investigated by the state human rights commission constituted under clause 21 of The Human Rights Act, 1993, according to the process determined therein:

- 1) Violation or abetment for violation of human rights
- 2) Negligence in prevention of such violations.

(27) Power and Responsibilities of the Director General of Police

As the Head of the State Police Service, The Director General of Police shall have the following responsibilities:

- a) To implement policies, strategic schemes and the annual plan formulated by the government.
- b) Operation control and supervision of the police service in order to ensure its efficiency, effectiveness, sensitivity and responsibility.

(28) Magisterial power of the Director General of Police

The power of a Magistrate shall be vested in the Director General of Police in all general police district, who shall exercise these powers subject to the extent determined by the Government from time to time.

(29) Provisions of Punishment

Subject to the provision to the Article 311 of the constitution and such rule as the government enact from time to time under this Act, The Director General of Police, Inspector General of Police, Deputy Inspector General of Police and The District Superintendent of Police ,may, any time dismiss, suspend or reduce the rank of such police officers of subordinate class any time, who in their opinion, has abused his duty, has neglected his duty or is unfit for the duty or any such officer of the subordinate class, who is

negligent in discharging his duty or has made himself incapable of performing his duty due to some work , may award one or more of the following punishments:

- a) Fine, which shall not be more than the salary of a month.
- b) Punishment such as drill, extra guard duty, hard work or other work with or without confinement in quarter, the period of which may not be more than fifteen days.
- c) Deprivation of salary of good behaviour.
- d) Removal from any dignified post or deprivation of any special pay.

(30)Transfer and Posting

1. Transfer and Posting of police officers and Police Personnel of the supervisory grade shall be governed by the conduct rule and other rule formulated by the government from time to time.
2. The tenure of officers shall normally be of two years.

However, any of such officers may be transferred from their posts before expiry of the tenure of two years or more for the following reasons:

- a) On promotion to the higher post.
- b) On being convicted or charge sheeted for any punishable crime by any court.
- c) On being incapable of performing their duties due to incapability or due to physical or mental ailment or any other reason.
- d) Requirement to fill vacancies arising as a result of promotion transfer or retirement.
- e) Other administrative reason which is in favour of efficient performance of duties.

Chapter IV

Role, Function Duties and Responsibilities of Police

(31) Role, Function and Duty of Police

Role and duty of police shall, mainly be the following:-

- a) To follow law and implement them in a fair manner and protect the life ,liberty, property and the human rights along with the dignity of the public.
- b) To maintain and promote public order.
- c) To protect the internal security, prevent and control terrorist activities, activities breaching communal harmony, activities affecting internal security and other subversive activities.
- d) To protect road, rail, bridges, important infrastructures and establishments etc. along with public property from riot violence or other kind of attacks.
- e) To prevent crime and reduce the chances of commission of offences by their preventive activities and steps and assist and cooperate with other relevant agencies in actions to be taken for preventing offences.
- f) To properly file all information sent personally or brought to them by representative of the individual or received through email or other medium and take immediate follow up action after giving acknowledgment of the information.
- g) To file compoundable offence brought to their attention through notice and other medium and investigate them and duly provide a copy of the First Information Report to the person filing FIR and arrest offender whenever deemed proper and provide required assistance in prosecuting them.

- h) To develop sense of confidence in various societies and maintain them and so far as possible prevent conflict and increase feeling of brotherhood among them.
- i) Taking initiative in providing every possible help to the person affected by man-made or natural calamities actively, assists other agencies in relief and rehabilitation work.
- j) To help persons having apprehension of physical loss or loss of property and provide necessary assistance and relief to the victims.
- k) To regulate orderly transportation of people and vehicle and control and regulate traffic on highway.
- l) To gather information relating to the matter connected with public peace and all kind of offence and national security and apart from taking suo motto action, shares such information with other relevant agencies.
- m) To take charge of all unclaimed property in their possession as police officer discharging their duty and take action for their secured custody and their disposal as per the prescribed procedure.
- n) To provide security to public servants.
- o) To perform all such duties and responsibilities, which have been imposed upon them by any authority vested with the power to issue such instructions by the government or by the law for the time being in force.
- p) To keep record of habitual offenders and organised offences and display them in the police station.

(32) Maintenance of Diary by the Police Officer

It shall be the duty of each Station House Officer to maintain the General Diary in the form prescribed by the government from time to time and record therein all the information and charges framed, name of all the person arrested, name of informer and offence, details of arms, property or other items taken in their possession and the name of

witness examined. The District Magistrate shall have the power to call for such diary and inspect them.

(33) Social duties of the Police

It shall be the duty of each officer

- a) To conduct in a dignified and polite manner while dealing with the member of the public, especially senior citizen, women and children.
- b) To guide and assist member of the public, especially senior citizen, women, children, poor people and destitute, physically and mentally challenged people, who find themselves helpless or otherwise require assistance and protection.
- c) To provide all possible assistance to victims of offences and road accidents and ensure that they get immediate medical assistance without any medico-legal formalities and to assist them in their compensation and other legal claim.
- d) To ensure that the conduct of police are in a fair manner and in accordance with the principles of human rights while taking special care of the security of minorities along with weaker sections in all circumstances especially during clash between various communities, classes, castes and political parties.
- e) To prevent torture of women and children from indecent and objectionable behaviour, lewd remarks or sufferings along with torture in public places and public transport.
- f) To provide all possible assistance to members of the public, especially women, children and poor and the destitute, against any offence or exploitation by any person or organised group.
- g) To provide legally prescribed food and shelter to each person placed in custody and to provide information of provision of legal assistance schemes being made available to all such persons and also give intimation to the concerned authorities in this regard.

- h) To follow and discharge any other responsibilities and duties determined by the government from time to time.

(34) Duties in emergent circumstances

1. The government shall by publishing notification in the gazette for a specified period declared any specified service as important service for the community, which may be extended from time to time by publishing notification as required.
2. Till the declaration made under sub-section (1) remains in effect, it shall be the duty of each police officer to follow order given by any of his senior officer in connection with the service specified in the declaration.

(35) Discharge of duty of any subordinate officer by the senior police officer

The senior police officer may discharge the duties of any of his subordinate officer vested through law or legal order and shall assist and support in duties of his subordinate officer shall protect the duties of his subordinate officer or other persons working under his legal command or authority, whenever it seems urgent or important to make the law completely or accessibly effective.

Chapter V

Effective investigation of offences by using science and technology in investigation.

(36) Constitution of special investigation unit.

The government shall, constitute special offence investigation unit in crime infested areas, which shall be headed by police officer not below the rank of police sub-inspector of the states cadre which shall have assistance by required number of officers and staff for investigation of economic and heinous offences, except with the written permission of the Director General of Police except in extraordinary circumstances personnel deputed in this unit shall not be engaged in other work.

(37) Selection of officers deputed in special crime investigation units.

Selection of officers deputed in special crime investigation units shall be made on the basis of their interest professional efficiency and their faithfulness. Their professional efficiency shall be upgraded on time to time by providing them special training for using scientific instruments related to investigation techniques specially investigation and forensic science.

(38) Tenure of officers posted in special crime investigation units.

The tenure of officers posted in special crime investigation units shall normally be of three years thereafter by turn they shall be engaged in the law and order and other kind of work.

(39) Functions of the officers posted in special crime investigation units.

1. Officers posted in special crime investigation units shall in addition to work assigned specially by the district superintendent of police investigated cases connected with murder, kidnapping, rape, dacoity, robbery, offence related to dowry, fraud, misappropriation and other economic offences as notified by the director general of police.

2. Investigation of all other officers shall be conducted by other staff posted in such police station.

(40) Supervision of investigation of cases of special offence.

Under the supervision of concerned station house officer, the supervision of investigation of cases initiated by personnel of special crime investigation unit shall be made by such officer who shall not be below the rank of additional superintendent of police and shall directly submit the report to the district superintendent of police. The supervising officer shall be assisted by sufficient number of officers of the rank of deputy superintendent of police, who shall be specially appointed to ensure qualitative investigation in this profession.

However in small districts, when the quantity of work does not justify posting of an officer of the rank of additional superintendent of police, officer of the grade of the deputy superintendent of police shall be posted for this purpose.

(41) Creation of special investigation cell

In order to investigate economic offences along with offences of serious and other complex nature one or more special investigation cell shall be created in each district which shall have such number of officers and staff as the government deems proper. Such cell shall be in control and supervision of Additional Superintendent Of police.

(42) Special selection of officers and staff for special investigation cell.

Officers and staff to be posted in this cell shall be specially selected and trained also.

(43) Crime investigation department

The crime investigation department of the state shall initiate investigation of inter state, inter district and other offences of serious nature as notified by the government from time to time or specially handed over to it by the director general of police in accordance with the prescribed process and norms.

(44) Special investigation skill.

In crime investigation department there shall be special unit to investigate cyber crimes, organised crime, cases relating to killing of humans, economic offences and other kind of offences as notified by the government and for which special investigation skill is required.

(45) Selection of officers of crime investigation department.

Selection of officers posted in the crime investigation department shall be made on the basis of their interest, professional skill, experience and their sincerity. They shall be given proper training after their selection and their knowledge and skill shall be upgraded from time to time through reorientation and special courses.

(46) Tenure of officers posted in crime investigation department.

The tenure of officers posted in crime investigation department shall normally be of three years and shall not be removed unless it becomes necessary to remove them on one or more of the reasons to be mentioned.

(47) Legal advisor and offence analysts.

In order to guide, suggest and assist investigation officer, sufficient number of legal advisors and offence analysts shall be made available in the crime investigation department.

Chapter VI

Training, research and development

(48) Training policy.

The government shall, keeping in mind the present and future requirements of the police system, prepare training cum education policy for the police. The objective of training policy shall be to provide information on concerned subjects develop professional skills among police personnel, create right attitude and promote constitutional and moral values among police personnel.

(49) Efficiency and training of police personnel.

In such training it shall be ensured that the police personnel are sufficiently trained to efficiently perform their duty. As far a possible the successful participation in the above training program hall be linked with promotion of police personnel of different rank and various posting by the government from time to time, through infrastructural method ,as notified by the government from time to time

(50) Creation of basic infrastructure and capacity development for training.

The government shall create and upgrade basic infrastructure and capacity of the training institute as per the requirement of overall training of police personnel of various grades.

(51) Research and development.

The government shall set up Police Research and Development Bureau along with provisions for above personnel, fund and other resources so that research and investigation work is carried out regularly on those subjects and issues to improve the working and performance of police. The government may sponsor other famous organisations and institutions to conduct special study and research on subjects relevant to the police system.

(52) The government shall take sufficient steps to develop technology to investigate and detect offences and scientific and technological assistance in other work relating to the police system.

(53) Functions of State Police Research and Development Bureau.

The functions of state police research and development bureau shall include the following.

- a) To keep information of modern instruments and techniques successfully used by other police organisations in the country or abroad and carry out assessment in connection with the adoption of instruments used by the state police. This shall include such modern products, arms and ammunitions, riot control instruments, traffic control instruments, police transport and various scientific and electronic instruments which are useful for research and other work related to the police systems.
- b) To develop liaison and assistance with police research and development bureau of the government of India, academies, renowned scientific organisation, institutions and laboratories and private sector undertakings.
- c) To study the special and upcoming problems of the police system of the state so that steps for their solution and remedial measures may be taken.
- d) To investigate the existing system of police organisation and give suggestion regarding infrastructural, institutional and other necessary changes in the police to make their working more efficient and responsible, and
- e) Concurrent assessment and recording of the effect of modernisation and training policies of the state police and submit the report of the findings to the Director General of Police and the government.

Chapter VII

(54) Regulation control and discipline.

Subject to the approval of the state government, The Director General of Police shall enact such rule, regulation or issue order for the following which shall not be contrary to this Act or any other Act in effect at any time:-

- a) Prevention and investigation of offence.
- b) Regulation and inspection of work performed by the police organisation or Police officer.
- c) Distribution of arms, ammunition, accoutrements, uniforms and other items and decides the quantity.
- d) To assign duties to officers of all ranks and grade and decide the manner and condition subject to which they shall exercise their power and discharge their duties.
- e) To regulate the collection and transmission of intelligence and information.
- f) Determine the record, register and Performa to be maintained and details to be prepared by various police units and officers.
- g) To make police more skilful and prevent abuse of power and neglect of duty by them.

(55) Power to make Rules and Regulations.

The Government shall make rule for the regulation, control and discipline of police.

Provided that by the time a new Police Law under this Act is enacted, the existing Bihar and Orissa Arms Police Act, 1933 and Police Law and existing articles, regulations, notifications order and circulars shall remain in effect as if enacted in this Act.

(56) Police Officer always on duty.

Every officer, not on leave or under suspension, shall, for all purposes of this Act, be deemed to be always on duty and may be posted to any part of the state at any time.

(57) Posting of Police Officer

Any police officer, unless properly authorised, shall not leave his duty or place of appointment or posting.

Explanation:- Any officer on being authorised leave does not report on his duty without any valid reason after completion of such leave, shall, under the meaning of this article, be deemed to have neglected himself from the duties of his post.

(58) Police Officer not to engage in other employment

Under this Act, no police officer shall hold any other employment or office of profit other than his duty.



Chapter VIII

Responsibility of Police

Accountability for conduct

(59) District Accountability Authority

The Government shall, for the purpose of functions mentioned in Section 60, set up “District Accountability Authority”. The District Magistrate shall be the head of the District Accountability Authority and the Superintendent of Police shall be the member and the Senior Additional District Magistrate and The Additional District Collector shall be the Member Secretary.

(60) Functions of the District Accountability Authority

- (1) The District Accountability Authority shall perform the following work:
 - (a) Shall monitor the departmental enquiry or actions related to the complaints of “misbehaviour” against officers below the rank of Assistant/Deputy Superintendent of Police on the basis of quarterly report received from time to time from the District Superintendent of police.
 - (b) If the authority is of the view that unnecessary delay is being made in the conduct of enquiry in any case, it shall give proper advice to the District Superintendent of Police to speedily complete the enquiry.
- (2) When a complainant, in case of undue delay in the process of departmental enquiry in the matter of his complaint on being dissatisfied by the result of the enquiry as a result of violation of principles of natural justice in conducting disciplinary enquiry, brings the matter in the knowledge of the Authority, it may call for the report from the District Superintendent of Police in relation to the complaint of the “misbehaviour” against any officer below the rank of Assistant/Deputy Superintendent of Police and may give proper advice for further action or if necessary, may give instruction to the

Superintendent of Police to get enquiry conducted by any other officer.

Provided that provisions included in the above sub-section (1) and (2) shall not be deemed to dilute disciplinary, supervisory or administrative control of the District Superintendent of Police.

(61) Report of the District Accountability Authority

1. Every District Accountability Authority shall, before the completion of each calendar year, prepare an annual report and submit to the Government which inter alia shall include the following:-
 - a) The number and nature of cases of “misbehaviour” forwarded by it respectively to the Government and the District Superintendent of Police during the year.
 - b) The number and nature of cases monitored by it during the year.
 - c) The number and nature of cases of “misbehaviour” sent to them by the complainants on being dissatisfied by the departmental enquiry of their complaints.
 - d) The number and nature of cases mentioned above in (c) wherein advice or instructions for further actions have been issued to the Police by them and,
 - e) Recommendations relating to the steps to enhance the responsibility of Police.

(62) Right of the complainant.

- 1) The complainant may lodge his complaint in relation to any “misbehaviour” of Police Personnel with the Departmental Police Authority or the District Accountability Authority.
Provided that, if the content of the complaint is being enquired into by any other commission or any court, no such complaint shall be considered by the commission or the Authority.

- 2) The complainant shall have the right to get information of the development of the enquiry from time to time by the enquiry officer. On completion of the enquiry or departmental proceedings, the complainant shall be informed of the findings of the enquiry and the final action taken on the matter, as soon as possible.

(63) Protection of action taken in good faith.

In accordance with the provisions of this Act, in connection with any act performed or to be performed in good faith, no case or other legal action against the state government, state police board, its members and staff, any police officer/police accountability authority its member, staff or any person working under the direction of the Board or Authority or member or staff of District Accountability Authority, shall be admissible.

(64) Deputing additional police in disturbed or turbulent districts.

- 1) Through proclamation to be notified in the Gazette and through other manner as directed by the Government, it shall be lawful for the Government to proclaim for any area under its jurisdiction, that the situation of disturbance or turbulence has developed in that area as a result of the conduct of the resident, or any of its class or community of such area, it is expedient that the strength of the Police may be increased.
- 2) Thereupon, with the concurrence of the Government, it shall be lawful for the Director General of Police or other officer authorised by the Government for this purpose that in the area specified in the above proclamation he depute additional police force from the strength generally stipulated.
- 3) Subject to the provisions of sub-clause (5) of this clause, the cost of such police force shall be borne by the resident of the area mentioned in the proclamation.
- 4) The District Magistrate shall, on conducting such enquiry, if he deems fit, apportion such cost among those resident, who according to above are liable to bear thereof and who have not been granted relaxation under subsequent clause. Such apportion shall be made on the basis of

the individual means of the residents of such area by the decision of the District Magistrate.

- 5) It shall be lawful for the government to grant exemption of any part of such cost to any individual or class or community.
- 6) In every proclamation issued under sub-section (1) of this section that period shall be mentioned during which the proclamation shall remain effective, however this may be withdrawn any time may be continued for further period or periods or from time to time as the government deem fit and directs in each case.

Explanation:-For purpose of this section, the resident shall include such persons, self or their agents or servants, who is occupying or holding land or other immovable property in such area such land owner, self or their agent or servants, who are recovering rent direct from subjects or occupants irrespective of whether they are really living in that area or not.

“Resident” shall include real resident of that area irrespective of whether they are land owner or not.

(65) Providing compensation to the persons suffering from the conduct of the resident or persons having interest in land.

1. In such area, in relation to which proclamation notified under preceding section is given effect, if any death or grievous hurt or loss or damage to property has taken place as a result of the misbehaviour or due to the misbehaviour of the residents or any class of society of the area, it shall be lawful for the resident of the area, who claims to have suffered from such misbehaviour, to apply for compensation, within one month of the date of such damage, or within a period less than that as decided, to the District Magistrate or Sub-Divisional Magistrate, under whose jurisdiction such area is situated.
2. Thereafter, it shall be lawful for the District Magistrate after conducting enquiry as required, with the permission of the Government, to take the following actions, whether under preceding sections additional police has been deputed or not in such area:

- a) Shall declare the name of persons who have suffered due to such behaviour or as a result thereof,
 - b) Shall determine the amount of compensation to be paid to such persons and the manner of distribution among them.
 - c) Shall, different from the application determine the proportion to be paid by such residents of that area, who have not been granted remission from the responsibility of payment under the next succeeding sub-section.
Provided, that the District Magistrate/Sub-Divisional Magistrate shall not make any announcements or shall not determine under their sub-section, till he comes to the opinion that the above damage has been caused due to riot or unlawful assembly in such area and the person who has suffered damage has been absolved of the incident as a result of which, such a damage has been caused.
3. It shall be lawful for the Government to issue order to exempt any person or class or society of such resident from the responsibility of paying any part of such compensation.
 4. Subject to the revision by the commissioner of the Division or the Government, every declaration or assessment made or order issued under sub-section (2) except the aforesaid, shall be final.
 5. No civil suit, in relation to the compensation adjusted under this section for any of the damage, shall be liable to be maintained.
 6. **Explanation:-**The word “**Resident**” shall have the same meaning as defined in the preceding section.

Chapter IX

Common offence, punishment and responsibilities. Arrangements in lane and public places.

(66) Regulations of public meetings and processions

1. It shall be the duty of the person intending to organise procession on any road, lane or common road or convene meeting at public place, to give written intimation to the Station House Officer of the concerned Police Station in this regard.
2. a) Any officer, at least of the rank of Assistant/Deputy Superintendent of Police, shall wherever necessary, give directions, for conduct of all meeting, procession on all public street, lane or common road and shall decide the route and time for the passage of any of such processions.

b) On being satisfied that any person intends or persons intend to organise or convene public meeting or procession on any street, lane or common road, which in the opinion of the District Magistrate or the Sub-Divisional Magistrate may disturb peace, in case it goes out of control, shall ,through a general or special notice also call upon the person organising or convening such public meeting or leading or encouraging such procession, to apply for the license thereof.

c)After application is given, he shall issue a license, which shall contain names of the concerned license holder and the conditions on which convening such public meeting or procession, shall be allowed, provided no fee shall be charged for granting such license.

d) He shall also regulate the limit of the volume of the music to be played in lane on the occasion of music concert or festivals or other occasions.

(67) Assembly and procession violating certain conditions

1. Police Officers at least of the rank of Sub inspector authorised for this purpose by any magistrate or District Superintendent of Police shall prevent or order for dispersal of the public meeting or procession violating the conditions specified under sub-sections (1) and (2) of section (66).
2. Any public meeting or procession ignoring or denying to follow any order specified in the above sub-section (1) shall be treated as illegal meeting under chapter XIII of the Indian Penal Code, 1860.

(68)The power to forbid, impose ban, regulate or impose condition on playing of microphone, etc.

1. The District Magistrate or the District Superintendent of Police or Sub-divisional Magistrate or Magistrate or Sub-Divisional Police Officer or Station House Officer of the police station is of the opinion that, in order to prevent annoyance of people or any of its class or to prevent the injury to their health or to maintain peace or tranquillity, it is necessary to do so, shall, in the area of its jurisdiction or in such area, by order, be able to forbid, prohibit or regulate the playing of microphone, loud speaker or sound amplifier or shall be able to impose condition on their use and operation.
2. The Government , suo motu or on the representation of any aggrieved person or persons may modify or change or cancel any order issued under sub-section (1)
3. Police Officer, at least of the rank of Sub-inspector, in order to ensure the compliance of any order issued under sub-section (1) or any order modified or changed under sub-section (2) may take such measures or use such force as proper and expedient and may confiscate any microphone, loud speaker or other instrument being used or operated to violate the order.
4. The police officer impound the microphone, loud speakers, or other instruments under sub-section (3) may also impound any such vehicle on which such microphone, loud speaker, or other instrument is being carried, or being taken or has been installed.

- Provided , the Police Officer, at least of the rank of sub Inspector of that police station under the jurisdiction of which the vehicle has been impounded, may release such vehicle on the bond of an amount not more than rupees five thousand, which he deems proper, executed in favour of the Government by the owner of the vehicle with the condition that the vehicle shall be presented at the time of investigation or trial and that the person shall surrender the vehicle if given instructions to surrender under sub-section (5).
5. If any person, contravening the order of the District Magistrate, District Superintendent of Police, or Sub-Divisional Magistrate or any Magistrate or any Sub-Divisional Police Officer or Station House Officer of any police station issued under sub-section (1) or modified or changed by the Government under sub-section (2), is convicted, shall be liable to a penalty of up to rupees One Thousand and the court conducting trial of offence under this section, shall also issue the order to surrender the microphone, loud speaker or other instrument impounded under sub-section (3) or the vehicle impounded under sub-section (4) and released under the provision thereof.
 6. The provision of this section shall be in addition to the power vested by any other section and shall not be a dilution thereof.

(69) Instructions to maintain order on public streets.

The District Superintendent of Police or any officer authorised by him in this regard, shall, in order to prevent obstruction, injury or difficulty caused to a person passing through the street, and control pollution, by general or special order issue proper instructions to maintain order on public street and lane, common road or any public place.

(70) Punishment for contravening orders or instructions.

The person not complying with the legal orders issued under sections (69) and (71), may be arrested and on being convicted by the Magistrate, shall be punished with fine which may extend to Ten Thousand Rupees.

(71) The power to reserve a public place and to raise barricades.

1. The District Magistrate, through intimation may temporarily reserve any public place for public purpose and may prohibit the passage of people except under specified conditions.
 - a) The District Magistrate for erecting barrier and other necessary structure in street or lane may authorise any police officer so that checking of vehicle could be conducted or violation of any provisions by the vehicle owner could be prevented.
 - b) At the time of issuing such orders, necessary measures for insuring safety of commuter shall also be determined.
 - c) Such temporary structures may be removed after completion of the purpose of its erection.

(72) Obstruction in police duty.

Any person causing obstruction in discharge of duties or obstruction in performance of work of police officer on conviction shall be punished with fine which may extend to Five Thousand Rupees or with a simple imprisonment, which may extend to a maximum of three months, or both.

(73) Unauthorised use of Police Uniform.

If any person, not being a member of the Police Force, wears, without the permission of the office authorised by the Government in this behalf, the Uniform of the Police Force or any dress having the appearance or bearing any of the distinctive marks of the Police Uniform, shall, on conviction, be punished with simple imprisonment which may extend to a maximum of six months of simple imprisonment or fine, which may extend to a maximum of a Thousand Rupees, or both.

(74) The charge of unclaimed property shall be taken over by the Police Officer and shall be disposed off under the order of the Magistrate.

It shall be the duty of the Police Officer to take charge of the unclaimed properties and submit a list thereof to the District Magistrate. The Police

Officer, in relation to the disposal of such property, shall be guided by the orders received by the District Magistrate.

(75) The District Magistrate may keep the property in his charge and issue proclamation.

1. The District Magistrate may keep the property in his charge and issue proclamation wherein he shall specify the item of the owner and shall require the person making any claim in this regard to establish his claim within Six Months of the date of proclamation in this regard.
2. Provision of section 457 of The Code of Criminal Procedure, 1973, (2 of 1974) shall apply in relation to property specified in this section.

(76) Confiscation of property when no claimant comes forward.

1. If no person within such period establishes his claim on such property or if the same has not already been sold off under sub-section (2) of previous preceding section and if it is sold, such a sale shall be made under the order of the District magistrate.
2. The proceeds of property sold under preceding section and the proceeds of the property sold, whose claim could not be established, shall be dealt with in such a manner as prescribed by the Government.

(77)Refusal to deliver certificate of appointment etc. on ceasing to be a police officer.

If a person on ceasing to be a police officer does not deliver his certificate of appointment, accoutrements, clothing and other necessaries, which have been furnished to him for the performance of his duties, on conviction by the Magistrate, shall be liable for a fine, which may extend to Ten Thousand Rupees.

(78)Offences committed by police.

Every police officer, found guilty of dereliction of duty or guilty of neglecting any rule or regulations of lawful order formulated by the competent authority or withdraws himself from the duties of his office for a period of two months without prior permission or prior information or on

being on leave fails to report on his duty on completion of such leave without valid reason or is engaged in any other employment different from his duty without permission or is guilty of cowardice or guilty of unauthorised personal violence against any person under his custody, shall, on conviction, be punished with a fine equal to the salary of three months or three months with or without rigorous imprisonment or both.

(79)Offences committed by public.

1. Any person, committing following offence, causing inconvenience, annoyance to the residents or commuters on any street or lane or common road within the border of the area specially notified by the District Magistrate or on the open space in the vicinity, thereof shall, on conviction, be liable to pay a fine, which may extend to a maximum of Five Thousand Rupees:
 - a) Negligently let loose any animal, or allow animal or vehicle, which has to be loaded or unloaded, or has to take up or set down passengers, to remain there for longer than may be necessary for such purpose or leaving any vehicle standing in a disorderly manner.
 - b) Found drunk and creating disturbance.
 - c) Neglects to fence in or duly protect any well, tank, pond, or other dangerous place or structure in his control or occupation, or causes obstruction in any other manner in public place.
 - d) Without the prior consent of the owner defaces or affixes any bill or writes slogan on walls, buildings or any other structure.
 - e) Wilfully enter into any Government building, land or field connected therewith without any sufficient reasons.
 - f) Knowingly creates rumours, gives false alarms in order to create confusion in police. Fire brigade or other necessary services.
 - g) Knowingly destroys or damages any public alarm system.
 - h) Knowingly and wilfully causes damage to spread terror in public.

- i) Contravenes notices displayed in the public by competent authority in any Government building.
 - j) Provided the police takes cognizance of the offence on the complaint lodged by any authorised officer of the concerned office.
 - k) Harassing any women by passing lewd remarks, indecent proposal, or indication or by following her clandestinely.
Provided police takes cognizance of such an offence on complaints made only by the victim.
2. It shall be lawful for any police officer to arrest such person who commits any of the offences mentioned under sub-section (1).
However, the person so arrested shall be released on bail of personal bond.

(80) Process regarding affixing guidance and public notices.

1. All the general guidelines, regulations or public notices issued under this chapter shall be published, by affixing a copy thereof at the office of the District Magistrate, Sub-Divisional, Divisional/Regional offices, office of the Panchayat, and displaying at a distinctive place in building and places connected therewith or by making a declaration of the notice by beating drums or by giving advertisements thereof in the newspaper and other media or through other means as the Superintendent of Police deems fit, shall be published.
Provided that the Superintendent of Police on being satisfied that it is in the public interest to implement any regulation with immediate effect such a direction and regulation may be formulated without prior publication.
2. If any instruction or regulation formulated under this section is related to any case in connection to which there is a provision in any corporation or other town or local authority on public health or any law or rule or sub-rule relating to facility or security of the area. Such a regulation shall be subject to such law, rule or sub-rule.

(81) Prosecution of the police officer.

When an offender is a police officer, under this Act no court, except on receiving written report by the Government on the facts of other offence or on prior sanction of any officer authorised by the State Government, shall take cognizance.

(82) Prosecution of offences under other laws.

Subject to the provisions included in section 300 of the Code of Criminal Procedure, 1973, person from being prosecuted or tried under any other law made punishable by this Act.

(83) Summary disposal of certain cases.

(1) Any Magistrate taking cognizance of an offence punishable under section 72, 77 & 78 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 letter and remit to the court a sum as the court may specify.

(2) Where an accused person pleads guilty and remits the sum specified in sub-section (1), no further proceedings in respect of the offence shall be taken against him.

(84) Recovery of penalties and fine imposed by the Magistrate.

On conviction by any Magistrate, the provisions of sections 64 to 70 of the Indian Penal Code, 1860 and sections 386 to 389 of the Code of Criminal Procedure, 1973, shall apply in recovery of penalties and fine imposed under this Act.

Provided that any thing being mentioned in section 65 of the Indian Penal Code, 1860, if a person does not pay the fine imposed under section 73, 78 & 79 of this chapter, he may be punished with imprisonment of any period which shall not extend for more than eight days.

(85) Extent of the Action.

No court, after the end of the time period provided in section 468 of the Code of Criminal Procedure, 1973, shall take cognizance of any of the offence under this chapter. In order to calculate the time period, provisions of chapter XXXVI of the Code of Criminal Procedure shall apply.



Chapter X

Miscellaneous

(86) Disposal of fees, rewards, etc.

All 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, forfeiture and penalties or share thereof which are by law payable to police officers as informers, shall, save in so far to any such fees or sums belong under the provisions of any enactment in force to any local authority, be credited to the Government.

Provided that with the sanction of the Government, or under any rule made by the Government in that behalf the whole or any portion of such reward, forfeiture or penalty may, for special services, be paid to a Police officer or be divided amongst two or more Police officers.

(87) Method of proving orders and notifications.

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

(88). Procedure of providing certificate to rules and orders.

No rule, order, direction, adjudication, inquiry or notification made or published, and no act done under any provision of this Act or of any rule made under this Act, or in substantial conformity to the same, shall be deemed illegal, void, invalid or insufficient by reason of any defect of form or any irregularity of procedure.

(89) Officers holding charge of, or succeeding to vacancies competent to exercise powers.

Whenever in consequence of the office of a Commissioner, or Police officer becoming vacant, any officer holds charge or additional charge of the post of such Commissioner, or Police officer or succeeds, either temporarily or permanently to his office, such officer shall be competent to exercise all the powers and perform all the duties respectively conferred and imposed by this Act on such Commissioner, or Police officer, as the case may be.

(90) Licenses and permissions to specify conditions, etc., and to be signed.

1. Any license or written permission granted under the provisions of this Act shall specify the period and locality for which, and the conditions and the restrictions subject to which, the same is granted, and shall be given under the signature of the competent authority and such fee shall be charged therefore as is prescribed by any rule under this Act in that behalf.

2. License to be cancelled

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 is infringed or evaded by the person to whom it has been granted if such person is convicted of any offence in any matter to which such license or permission relates.

3. When license is cancelled the license holder is deemed to be without license

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

4. License holder to produce license and permission when called for.

Every person to whom any such license or written permission has been granted, shall, while the same remains in force, at all reasonable times produce the same, if so required by a Police officer

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

(91) 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, affixing copies thereof in conspicuous public places, or by proclaiming the same with beat of drums, or by advertising the same in such local newspapers, as the said authority may deem fit, or by any two or more of these means and by any other means it may think suitable.

(92) Consent, etc., of a competent authority may be proved by writing under his signature.

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

(93) Signature on notices, etc., 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 by any rule there under to bear the signature of the Commissioner, shall be deemed to be properly signed if it bears a facsimile of his signature stamped thereon.

(94) Power to make rules.

The Government may make rules for carrying out the purposes of this Act.

(95) Power to remove difficulties.

If any difficulty arises in giving effect to the provision of this Act, the government may, by notification in the official Gazette, make such provisions as appear to it to be necessary or expedient to remove difficulty.

(96) Notification of rule and regulations and rule and regulations to be published in the Gazette

- a) Every rule and regulation framed under this Act shall be published in the Gazette.
- b) All rules and regulations made by the Government under this Act, shall be laid as soon as may be after they are made, before each House of the State Legislature while it is in session, for a total period of thirty days, which may be comprised in one session or in two or more successive sessions and if, before the expiry of any or first session of successive session as the case may be, in which it is so laid, both Houses agree in making any modification in the rule or regulation or both Houses agree that the rule or regulation 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 done under that rule or regulation.

(97) Repeal and Saving

1. The Police Act, 1861 so far as it relates to the State of Bihar is hereby repealed.
2. The Bengal Armed Police Act, 1892 (V of 1892), so far as it relates to the State of Bihar is hereby repealed. However, in spite of such repeal, the existing class and grade of Armed Police Officer under chapter V

of the Act, 1892, shall remain in existence till a new Bihar Armed Police Act is not framed.

3. In spite of such repeal, any act done or any action taken or any action initiated under this rule shall be deemed to be the act done or action taken or action initiated under this Act.
4. All the context of any section of any of the provisions of this Act, which may have been repealed, shall be deemed as the context of the concerned provisions of this Act.





बिहार गजट

असाधारण अंक

बिहार सरकार द्वारा प्रकाशित

23 फाल्गुन 1935 (श0)
(सं0 पटना 310) पटना, शुक्रवार, 14 मार्च 2014

विधि विभाग

अधिसूचनाएं

14 मार्च 2014

सं0 एल0जी0-1-02/2014/लेज-40—बिहार विधान मंडल द्वारा यथापारित निम्नलिखित अधिनियम, जिसपर राज्यपाल दिनांक 06 मार्च, 2014 को अनुमति दे चुके हैं, इसके द्वारा सर्व-साधारण की सूचना के लिये प्रकाशित किया जाता है।

बिहार-राज्यपाल के आदेश से,
विनोद कुमार सिन्हा,
सरकार के सचिव।

[बिहार अधिनियम 5, 2014]

बिहार पुलिस अधिनियम, 2007 (बिहार अधिनियम 7, 2007) का संशोधन करने के लिए अधिनियम ।

प्रस्तावना – चूँकि, बिहार पुलिस अधिनियम, 2007 (बिहार अधिनियम 7, 2007) 30वीं मार्च 2007 को राजपत्र में प्रकाशित किया गया था और बिहार पुलिस अधिनियम राज्य में प्रभावी है ;

और चूँकि, राज्य सरकार द्वारा बिहार पुलिस अधिनियम, 2007 की धारा-1(ख) के अधीन इस अधिनियम के आरंभ की तिथि अधिसूचित नहीं की गई है, इसलिए अधिनियम की धारा-1 (ख) का संशोधन करना आवश्यक एवं समीचीन है। इसके अलावे अधिनियम की धारा-97 की उप-धारा (3) में शब्द "अधिनियम" के स्थान पर "नियम" मुद्रित हो गया है जिसका संशोधन करना भी आवश्यक एवं समीचीन है।

भारत-गणराज्य के पैसटवें वर्ष में बिहार राज्य विधान मण्डल द्वारा निम्नलिखित रूप में यह अधिनियमित हो :-

1. संक्षिप्त नाम, विस्तार एवं प्रारम्भ। – (1) यह अधिनियम बिहार पुलिस (संशोधन) अधिनियम, 2014 कहा जा सकेगा।
(2) इसका विस्तार संपूर्ण बिहार राज्य में होगा।
(3) यह 30वीं मार्च, 2007 के प्रभाव से प्रवृत्त माना जायेगा।
2. बिहार अधिनियम 7, 2007 की धारा-1 की उप-धारा (ख) का संशोधन। – बिहार पुलिस अधिनियम, 2007 (बिहार अधिनियम, 7, 2007) की धारा-1 में उप-धारा (ख) के लिये निम्नलिखित उप-धारा प्रतिस्थापित की जाएगी, और 30वीं मार्च 2007 के प्रभाव से प्रतिस्थापित मानी जाएगी, यथा :-
“(ख) यह 30वीं मार्च, 2007 के प्रभाव से प्रवृत्त होगा।”
3. बिहार अधिनियम 7, 2007 की धारा-97 में संशोधन। – उक्त अधिनियम की धारा-97 की उप-धारा (3) में उल्लेखित शब्द "नियम" शब्द "अधिनियम" द्वारा प्रतिस्थापित किया जायेगा।
4. बिहार अधिनियम 7, 2007 की धारा-97 के पश्चात धारा-98 का अंतःस्थापन। – निम्नलिखित नई धारा-98 अंतःस्थापित की जायेगी, यथा –
“98 विधिमान्यकरण एवं व्यावृत्ति – (1) उक्त अधिनियम, 2007 की धारा-1 की उप-धारा (ख) एवं धारा-97 में ऐसा संशोधन होने पर भी इस अधिनियम के आरंभ के पूर्व किया गया कोई कार्य या की गई कोई कार्रवाई, प्रकाशित की गई सभी अधिसूचनाएँ, प्रदत्त शक्तियाँ, विहित किये गये प्रपत्र, परिभाषित स्थानीय अधिकारिता, पारित की गई सजा तथा पारित आदेश, नियम तथा की गई नियुक्तियाँ बिहार पुलिस अधिनियम, 2007 के अधीन क्रमशः किये गये या की गयी, प्रकाशित, निर्गत, प्रदत्त, विहित, परिभाषित या पारित या की गयी मानी जाएंगी मानो बिहार पुलिस अधिनियम, 2007 राजपत्र में उसके प्रकाशन की तिथि अर्थात् 30.03.2007 से लागू था और विधिमान्य माना जायेगा तथा इस अधिनियम द्वारा या के अधीन प्रदत्त शक्तियों के प्रयोग में किया गया, हुआ, निर्गत, की गई इत्यादि मानी जायेगी।

- (2) इस अधिनियम की कोई बात अथवा इसके द्वारा किये गये संशोधन उक्त अधिनियम के अंतर्गत किया गया कोई कार्य या की गई कोई कार्रवाई इत्यादि को प्रभावित नहीं करेगी और न ही प्रभावित करने वाली मानी जायेगी।”

14 मार्च 2014

सं० एल०जी०-1-02/2014/लेज-41—बिहार विधान मंडल द्वारा यथा-पारित और राज्यपाल द्वारा दिनांक 06 मार्च, 2014 को अनुमत बिहार पुलिस (संशोधन) अधिनियम, 2014 का निम्नलिखित अंग्रेजी अनुवाद बिहार-राज्यपाल के प्राधिकार से इसके द्वारा प्रकाशित किया जाता है, जिसे भारतीय संविधान के अनुच्छेद-348 के खंड(3) के अधीन उक्त अधिनियम का अंग्रेजी भाषा में प्राधिकृत पाठ समझा जायेगा।

बिहार-राज्यपाल के आदेश से,

विनोद कुमार सिन्हा,

सरकार के सचिव।

The Bihar Police (Amendment) Act, 2014

[Bihar Act 5, 2014]

**AN
ACT**

To amend the Bihar Police Act, 2007 (Bihar Act 7, 2007)

Preamble— Whereas, the Bihar Police Act, 2007 (Bihar Act, 7, 2007) was published in the official gazette on 30th March 2007 and the Bihar Police Act is operative in the state ;

AND Whereas, the date of commencement of the Act has not been notified by the State Government under section 1(b) of the Bihar Police Act, 2007, now, therefore, it is necessary and expedient to amend section 1(b) of the Act. Besides, in Sub-section (3) of Section 97 of the said Act, 2007, the word “Rule” has been printed in place of the word “Act” amendment of which is also necessary and expedient.

Be it enacted by the Legislature of the state of Bihar in Sixty fifth year of the Republic of India as follows :-

1. Short title, extent and commencement. – (1) This Act may be called the Bihar Police (Amendment) Act, 2014.
(2) It shall extend to the whole of the state of Bihar.
(3) It shall deemed to have come into force with effect from 30th March, 2007.
2. Amendment of Sub-Section (b) of Section 1 of the Bihar Act 7, 2007.— In section 1 of the Bihar Police Act, 2007 (Bihar Act 7, 2007) for sub section (b) the following subsection shall be substituted and

shall be deemed to have been substituted with effect from the 30th day of March, 2007 namely:-

“(b) It shall come in to force with effect from 30th of March, 2007.”

3. Amendment in Section 97 of the Bihar Act 7, 2007. -

The word “Rule” mentioned in Sub-Section (3) of Section 97 of the said Act, 2007 shall be substituted by the word “Act”.

4. Insertion of Section 98 in Bihar Act, 7 of 2007. - After Section 97 of the said Act, - the following new Section 98 shall be inserted, namely-

“98. Validation and Saving – (1) Notwithstanding such amendment, in Sub-section (b) of Section - 1 and Section 97 of the said Act, 2007 any thing done or action taken, all notifications published, powers conferred, forms prescribed, local jurisdiction defined, sentence passed and orders, rules and appointments made before the commencement of this Act shall be deemed, respectively, to have been published, issued, conferred, prescribed, defined, passed or made under the Bihar Police Act, 2007 as if The Bihar Police Act, 2007 were in force from the date of its publication in Official Gazette i.e. 30.03.2007 and shall be deemed to be valid and be deemed to have been made, done, issued, taken etc. in exercise of the powers conferred by or under this Act.

(2) Nothing in this Act or the amendments affected thereby shall effect or be deemed to affect anything done or any action etc. taken under the provisions of the said Act.”

By order of the Governor of Bihar,

VINOD KUMAR SINHA,

Secretary to Government.

अधीक्षक, सचिवालय मुद्रणालय,

बिहार, पटना द्वारा प्रकाशित एवं मुद्रित।

बिहार गजट (असाधारण) 310-571+400-डी0टी0पी0।

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