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The Gujarat Government Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. III] SATURDAY, SEPTEMBER 1, 1962 / BHADRA 10, 1884

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART IV

Acts of the Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

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The following Act of the Gujarat Legislature, having been assented to by the Governor on the 30th August 1962, is hereby published for general information.

M. G. MONANI,
Secretary to the Government of Gujarat,
Legal Department.

GUJARAT ACT NO. XXX OF 1962

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette" on the 1st September 1962).

An Act to amend the Bombay Police Act, 1951.

It is hereby enacted in the Thirteenth Year of the Republic of India as follows :—

1. This Act may be called the Bombay Police (Gujarat Amendment) Act, 1962. **Short title.**

Amendment
of section 33
Bom. XXII
of 1951.

2. In section 33 of the Bombay Police Act, 1951.

Bom.
XXII
of
1951.

(1) in sub-section (1), after clause (a) the following clause shall be inserted,
namely :—

“(aa) licensing and controlling persons offering themselves for employment at hills, mountains or such other places for carrying pilgrims, tourists or other passengers and their baggages or goods on such hills, mountains or places, and fixing and providing for the enforcement of a scale of charges for the labour of such persons so employed;”

(2) in sub-section (2), in clause (i), for the brackets and letters “(a), (b)” the brackets and letters “(a), (aa), (b)” shall be substituted.



The Gujarat Government Gazette EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. V] WEDNESDAY, JANUARY 29, 1964/MAGHA 9, 1885

Separate paging is given to this part in order that it may be
filed as a separate compilation

PART IV

Acts of the Gujarat Legislature and Ordinances promulgated
and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 26th January 1964, is hereby published for general information.

AKBAR S. SARELA,
Secretary to the Government of Gujarat,
Legal Department.

GUJARAT ACT NO. 4 OF 1964.

[First published, after having received the assent of the Governor in the *Gujarat Government Gazette* on the 29th January 1964].

An Act further to amend the Bombay Police Act, 1951.

It is hereby enacted in the Fourteenth Year of the Republic of India as follows :—

1. This Act may be called the Bombay Police (Gujarat Amendment) Act, 1963.

2. In section 33 of the Bombay Police Act, 1951 in sub-section (1), in clause ^{Amend.} (da) for the words "upon a vessel" the words "in, or in the vicinity of, a street ^{of sect} or any public place or upon a vessel" shall be substituted and the following ^{of Bo} proviso shall be added, namely:— ^{XXII} ^{1961.}

"Provided that nothing in this clause shall apply to the display of any news-board or public notice by or on behalf of a political party, a public institution or a panchayat or municipality or municipal corporation or other local authority constituted under any law for the time being in force."



सत्यमेव जयते

The Gujarat Government Gazette
EXTRAORDINARY
PUBLISHED BY AUTHORITY

Vol. XIII] MONDAY, DECEMBER 18, 1972/ASHADHAYANA 27, 1894

Separate paging is given to this Part in order that it may
be filed as a separate compilation.

PART IV

**Acts of the Gujarat Legislature and Ordinances promulgated and
Regulations made by the Governor.**

The following Act of the Gujarat Legislature having been assented to by the Governor on the 6th December, 1972 is hereby published for general information.

S. S. SHAH,
Secretary to the Government of Gujarat,
Legal Department.

GUJARAT ACT NO. 26 OF 1972.

(First published after having received the assent of the Governor in the "Gujarat Government Gazette" on the 18th December 1972).

An Act further to amend the Bombay Police Act, 1951.

It is hereby enacted in the Twenty-third Year of the Republic of India as follows:—

1. This Act may be called the Bombay Police (Gujarat Amendment) Act, short title. 1972.

Amendment
of section 37
of Bom.
XXII of
1951.

2. In the Bombay Police Act, 1951, in section 37—

Bom.
XXII
of
1951.

(1) in sub-section (1), after clause (c), the following clause shall be inserted, namely:—

“(cc) the carrying of burning or lighted torches in a procession.”;

(2) in sub-section (2), at each of the places where the words “corrosive substance or explosive or missile” and the words “corrosive substance, explosive or missile” occur, the words “corrosive substance, explosive, missile, instrument, means or burning or lighted torch” shall be substituted.



The Gujarat Government Gazette
EXTRAORDINARY
PUBLISHED BY AUTHORITY

Vol. XIX] THURSDAY, MARCH 9, 1978/PHALGUNA 18, 1899

Separate paging is given to this Part in order that it may
be filed as a separate compilation.

PART IV

**Acts of the Gujarat Legislature and Ordinance promulgated and
Regulations made by the Governor.**

The following Act of the Gujarat Legislature having been assented to by the Governor on the 3rd March, 1978 is hereby published for general information.

S. L. TALATI,
Secretary to the Government of Gujarat,
Legal Department.

GUJARAT ACT NO. 16 OF 1978.

(First published after having received the assent of the Governor in the "Gujarat Government Gazette" on the 9th March, 1978).

An Act further to amend the Bombay Police Act, 1951.

It is hereby enacted in the Twenty-ninth Year of the Republic of India as follows:—

1. This Act may be called the Bombay Police (Gujarat Amendment) Act, Short title. 1977.

Bom. XXII of 1951.] 2. In section 8 of the Bombay Police Act, 1951 (hereinafter referred to as Amendment of section 8 of Bom. XXII of 1951. "the principal Act"), in sub-section (3), for the words "conferred on him by or under this Act, except the power to make, alter or rescind rules or orders under section 33, to an Assistant or Deputy Superintendent" shall be substituted.

Amendment
of section 9
of Bom. XXII
of 1951.

3. In the principal Act, in section 9, for the words "Principal of any Police Training School", the words "Principal of any Police Training College or School" shall be substituted.

Amendment
of section 25
of Bom.
XXII of
1951.

4. In the principal Act, in section 25, in sub-section (2), in clause (b),—

(i) for the words "a Police Training School", the words "a Police Training College or School" shall be substituted;

(ii) for the words "school" wherever it occurs, the words "college or school" shall be substituted.

Amendment
of section 27
of Bom.
XXII of
1951.

5. In the principal Act, in section 27, the following shall be added at the end, namely:—

"Such appeal shall be filed within a period of sixty days from the date of the order appealed against."

Insertion of
new section
27A in Bom.
XXII of
1951.

6. In the principal Act, after section 27, the following new section shall be inserted, namely:—

Revisional
powers of
State
Government,
Inspector
General and
Deputy
Inspector
General.

"27A. The State Government, the Inspector General or a Deputy Inspector General may, *suo motu* or on an application made to him within the prescribed period in this behalf, call for and examine the record of any inquiry or proceeding of any subordinate police officer under this Chapter, for the purpose of satisfying itself or himself, as the case may be, as to the legality or propriety of any decision or order passed by, and as to the regularity of the proceedings of, such officer, and may, at any time,—

(a) confirm, modify or reverse any such order,

(b) impose any penalty or set aside, reduce, confirm or enhance the penalty imposed by such order,

(c) direct that further inquiry may be held, or

(d) make such other order as, in the circumstances of the case, it or he may deem fit:

Provided that an order in revision imposing or enhancing penalty shall not be passed unless the police officer affected thereby has been given a reasonable opportunity of being heard:

Provided further that no order in revision shall be passed—

(i) in a case where an appeal against the decision or order passed in such inquiry or proceeding has been filed, when such appeal is pending;

(ii) in a case where an appeal against such decision or order has not been filed, before the expiry of the period provided for filing such appeal; and

(iii) in any case after the expiry of a period of three years from the date of the decision or order sought to be revised.”.

7. In the principal Act, in section 29,—

(a) in sub-section (1), for the words “a Police Training School”, the words “a Police Training College or School” shall be substituted;

Amendment
of section 29
of Bom.
XXII of
1951.

(b) in sub-section (3), for the words “the Police Training School”, the words “the Police Training College or School” shall be substituted.

8. In the principal Act, in section 30,—

(a) in sub-section (1), for the words “the Police Training School”, the words “the Police Training College or School” shall be substituted;

Amendment
of section 30
of Bom.
XXII of
1951.

(b) in sub-section (2) for the words “the Police Training School”, at both the places where they occur, the words “the Police Training College or School” shall be substituted.

9. In the principal Act, in section 33,—

(a) in sub-section (1), for the words beginning with the words “The Commissioner and the District Magistrate” and ending with the words “with this Act for” the following shall be substituted, namely:—

Amendment
of section 33
of Bom.
XXII of
1951.

“The Commissioner, with respect to all or any of the following matters specified in this sub-section and the District Magistrate, with respect to all or any of the said matters except the matters referred to in sub-section (1AA), may make, alter or rescind rules or orders not inconsistent with this Act, in areas under their respective charges or any part thereof, namely:—”;

(b) after sub-section (1), the following sub-section shall be inserted, namely:—

“(1AA) A District Superintendent may, in areas under his charge or any part thereof, make, alter or rescind rules or orders not inconsistent with this Act, with respect to all or any of the matters specified in clauses (d), (db), (e) and (g) read with clause (y) of sub-section (1) :

Provided that the rules and orders made by a District Magistrate under sub-section (1) for any of the matters specified in the said clauses and in force in any area immediately before the commencement of the Bombay Police (Gujarat Amendment) Act, 1977, shall continue in force therein as if made by the District Superintendent under this sub-section, until altered or repealed or amended by a competent authority.”;

(c) in sub-section (6), in the proviso, for the words “the Commissioner or the District Magistrate”, the words “the Commissioner, the District Magistrate, or as the case may be, the District Superintendent”, shall be substituted.

Deletion of section 42 of Bom. XXII of 1951.

10. In the principal Act, section 42 shall be deleted.

Amendment of section 56 of Bom. XXII of 1951.

11. In the principal Act, in section 56, the word "specially" shall be deleted.

Amendment of section 57 of Bom. XXII of 1951.

12. In the principal Act, in section 57, the word "specially" shall be deleted.

Amendment of section 63 of Bom. XXI of 1951

13. In the principal Act, in section 63, in sub-section (1), the word "specially" shall be deleted.

Amendment of section 85 of Bom. XXII of 1951.

14. In the principal Act, in section 85,—

(1) in sub-section (1), for the portion beginning with the words "to appear before" and ending with the words "of such proclamation", the following shall be substituted, namely :—

"to appear before himself or some other officer whom he appoints in this behalf within three months from the date of such proclamation and establish his claim within a period not exceeding three months after such appearance:

Provided that the Commissioner, the Magistrate or the concerned Officer, may, in any appropriate case, for reasons to be recorded in writing, extend the said period of three months for establishment of the claim by such further period and subject to such conditions as he may deem fit.";

(2) in sub-section (2), for the words "five rupees", the words "fifty rupees" shall be substituted.

Amendment of section 87 of Bom. XXII of 1951.

15. In the principal Act, in section 87, for the words "establishes his claim to such property within the period specified in the proclamation", the following shall be substituted, namely :—

"appears within the period specified in the proclamation under sub-section (1) of section 85 and establishes his claim to the property within the period specified in the said sub-section (1)".

Deletion of section 138 of Bom. XXII of 1951.

16. In the principal Act, section 138 shall be deleted.

Amendment of section 161 of Bom. XXII of 1951.

17. In the principal Act, in section 161, in sub-section (1), and in the marginal note thereto, for the words "six months" the words "one year" shall be substituted.



The Gujarat Government Gazette EXTRAORDINARY PUBLISHED BY AUTHORITY

Vol. XXI] WEDNESDAY, SEPTEMBER 3, 1980/BHADRA 12, 1902

Separate paging is given to this Part in order that it may be filed as a separate Compilation.

PART IV

Acts of the Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature having been assented to by the Governor on the 1st September, 1980 is hereby published for general information.

N. B. PATEL,
Secretary to the Government of Gujarat,
Legal Department.

GUJARAT ACT NO. 8 OF 1980.

(First published after having received the assent of the Governor in the "Gujarat Government Gazette" on the 3rd September, 1980.)

An Act further to amend the Bombay Police Act, 1951.

It is hereby enacted in the Thirty-first Year of the Republic of India as follows :—

1. This Act may be called the Bombay Police (Gujarat Amendment) Act, 1980.

Short title.

Bom.
XXII
of
1981.

2. In the Bombay Police Act, 1951 (hereinafter referred to as "the principal Act"), in section 63AA, for sub-section (1), the following sub-sections shall be substituted, namely :—

Amendment
of section
63AA of
Bom. XXII
of 1951.

"(I) The State Government may, in like circumstances and in like manner, exercise the powers exercisable, in any area for which a Commissioner is appointed, by the Commissioner, and in a district by the District Magistrate, Sub-Divisional Magistrate or District Superintendent of Police empowered by the State Government in this behalf, as the case may be, under sections 55, 56 and 57, with this modification that it shall be lawful for the State Government to direct the members of such gang or body, or persons or immigrants, or persons convicted, as the case may be, to remove themselves from, and not to enter or return to, any local area, or any such area and any districts or part thereof, whether contiguous thereto or not.

(IA) The State Government may, by an order, specially empower any officer in that behalf to exercise its powers under sub-section (I) in relation to such of the sections 55, 56 and 57 as may be specified in such order."



The Gujarat Government Gazette
EXTRAORDINARY
PUBLISHED BY AUTHORITY

Vol. XXX] TUESDAY, MARCH 7, 1989/PHALGUNA 16, 1910

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART IV

Acts of the Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor

The following Act of the Gujarat Legislature having been assented to by the Governor on the 4th March, 1989 is hereby published for general information.

R. M. MEHTA,
Secretary to the Government of Gujarat,
Legal Department.

GUJARAT ACT NO. 5 OF 1989.

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette" on the 7th March, 1989).

AN ACT

further to amend the Bombay Police Act, 1951,

It is hereby enacted in the Fortieth Year of the Republic of India as follows :—

1. (1) This Act may be called the Bombay Police (Gujarat Amendment) Act, 1989.

(2) It shall be deemed to have come into force on the 21st December, 1988.

Short
title
and
commence-
ment.

Amend-
ment of
section 2 of
Bom. XXII
of 1951.

2. In the Bombay Police Act, 1951 (hereinafter referred to as "the Principal Act"), in section 2,—

Bom.
XXII
of
1951

(1) after clause (5), the following clause shall be inserted, namely:—

"(5A) "eating house" means any place to which the public are admitted and where any kind of food or drink is supplied for consumption on the premises by any person owning or having an interest in or managing such place and includes a refreshment room, coffee-house or a shop where any kind of food or drink is supplied to the public for consumption in or near such shop; but does not include a place of public entertainment;"

(2) for clause (10), the following clause shall be substituted, namely:—

"(10) "place of public entertainment" means a boarding-house, lodging house or residential hotel, and includes any eating house in which any kind of liquor or intoxicating drug is supplied (such as a tavern, a wine shop, a beer shop or a spirit, arrack, toddy, ganja, bhang or opium shop) to the public for consumption in or near such place."

Amend-
ment of
section
33 of Bom.
XXII of
1951.

3. In the principal Act, in section 33,—

(1) in sub-section (1),—

(i) after clause (x), the following clause shall be inserted, namely:—

"(xa) registration of eating houses, including granting a certificate of registration in each case, which shall be deemed to be a written permission required and obtained under this Act for keeping the eating house for ten years and decennial renewal of such registration, within a prescribed period;"

(ii) in clause (y), for the words "licence or permission", where they occur at two places, the words "licence, permission or certificate of registration" shall be substituted;

(iii) in the first proviso, after the words "no licence", the words "or certificate of registration" shall be inserted;

(iv) in the second proviso, after the words "a licence", the words "or certificate of registration" shall be inserted;

(2) in sub-section (1A), for the brackets, word and letters "(wa) and (x)", the brackets, letters and words "(wa), (x) and (xa) of sub-section (1)" shall be substituted;

(3) in sub-section (7), after the words "of entertainment", the words "or to refuse a certificate of registration for, or to prohibit the keeping of, any eating house, as the case may be," shall be inserted;

4. In the principal Act, in section 131A,—

(1) in sub-section (1), after the words "prescribed period", the words "or fails to obtain a certificate of registration under this Act in respect of any eating house" shall be inserted;

Amend-
ment of
section
131 A of
Bom. XXII
of 1951.

(2) in sub-section (2),—

(i) after the words "place of public entertainment", the words "or the eating house" shall be inserted;

(ii) after the words "such place", the words "or, as the case may be, eating house" shall be inserted;

(iii) after the words "fresh licence", the words "or a certificate of registration" shall be inserted;

(3) in the marginal note, the following words shall be added at the end, namely:—

"or for not obtaining certificate of registration in respect of eating house."

5. In the principal Act, in section 145, in sub-section (2),—

(i) for the words "three months", the words "three years" shall be substituted;

(ii) for the words "one hundred rupees", the words "one thousand rupees" shall be substituted.

Amend-
ment
of section
145 of Bom
XXII of
1951.

6. (1) The Bombay Police (Gujarat Amendment) Ordinance, 1988 is hereby repealed.

Repeal
and
savings.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

Guj.
Ord. 9
of
1988.



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The Gujarat Government Gazette
EXTRAORDINARY
PUBLISHED BY AUTHORITY

Vol. XLVII] FRIDAY, MARCH 31, 2006/CAITRA 10, 1928

Separate paging is given to this Part in order that it may be filed as a Separate Compilation

PART - IV

**Acts of Gujarat Legislature and Ordinance Promulgated and Regulations made
 by the Governor.**

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 31st March, 2006 is hereby published for general information.

S.S. PARMAR,

Secretary to the Government of Gujarat,
 Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 8 OF 2006.

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette", on the 31st March, 2006).

AN ACT

*further to amend the Bombay Police Act, 1951 and to
 validate certain actions taken or things done.*

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

1. This Act may be called the **Bombay Police (Gujarat Amendment and Validation) Act, 2006.** Short title

Amendment
of section 2 of
Bom XXII of
1951.

2. In the Bombay Police Act, 1951(hereinafter referred to as "the principal Act") in section 2, -

(1) in clause (4), the words "and includes a *Lok Rakshak*" shall be and shall be deemed always to have been added at the end;

(2) after clause (6), the following clause shall be and shall be deemed always to have been inserted, namely:-

"(6A) "*Lok Rakshak*" means a police officer of the lowest grade appointed in accordance with the provisions of section 5;"

Validation
of certain
actions
taken.

3. (1) Any action taken or anything done for recruitment to the post of *Lok Rakshak* before the commencement of this Act shall be and shall be deemed always to have been validly taken or done in accordance with law as if the provisions of the principal Act as amended by this Act had been in force at all material times when such action was taken or thing was done and accordingly, no suit or other proceedings shall be maintained or continued in any court in respect of any action taken or anything done for recruitment to the post of *Lok Rakshak*.

(2) For the removal of doubt, it is hereby declared that nothing in sub-section (1) shall be construed as preventing any person from questioning, in accordance with the provisions of the principal Act as amended by this Act, any action taken or anything done in respect of recruitment to the post of *Lok Rakshak*.



सत्यमेव जयते

The Gujarat Government Gazette

EXTRAORDINARY
PUBLISHED BY AUTHORITY

Vol. XLVIII] MONDAY, JULY 30, 2007/SRAVANA 8, 1929

Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART IV

Acts of the Gujarat Legislature and Ordinances promulgated
and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 27th July, 2007 is hereby published for general information.

H. D. VYAS,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 23 OF 2007.

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette", on the 30th July, 2007).

AN ACT

further to amend the Bombay Police Act, 1951.

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

1. (1) This Act may be called the Bombay Police (Gujarat Amendment) Act, 2007. Short title and commencement.
- (2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.
2. In the Bombay Police Act, 1951 (hereinafter referred to as "the principal Act"), after section 5, the following sections shall be inserted, namely :- Bom. XXII of 1951.

Insertion of new sections 5A and 5B in Bom. XXII of 1951.

Director
General
and
Inspector
General of
Police

“5A. (1) For the overall direction and supervision of the Police Force, the State Government shall appoint a Director General and Inspector General of Police who shall exercise such powers, perform such functions and duties and have such responsibilities and authority as may be provided by or under this Act or orders made by the State Government.

- (2) The Director General and Inspector General of Police shall be selected from a panel of officers consisting of the officers already working in the rank of the Director General of Police or of the officers in the rank of Additional Director General of Police who have been found suitable for promotion after screening by a Committee under the provisions of the All India Services Act, 1951:

61 of 1951.

Provided that the panel of officers from the rank of Additional Director General of Police shall not exceed double the number of vacant posts to be filled in the rank of Director General and Inspector General of Police in the State.

- (3) The Director General and Inspector General of Police so selected and appointed shall ordinarily have a minimum tenure of two years irrespective of his date of superannuation, subject to the relevant provisions under the All India Services Act, 1951 and the rules made there under.

61 of 1951.

- (4) The Director General and Inspector General of Police may be removed from his post before the expiry of his tenure by the State Government by an order in writing specifying the reasons thereof, consequent upon the -

(a) conviction by a court of law in a criminal offence or where charges have been framed by a court in a case involving corruption or moral turpitude; or

(b) punishment of dismissal, removal or compulsory retirement from service or of reduction to a lower post; or

(c) suspension from service; or

(d) incapability to discharge his functions as the Director General and Inspector General of Police due to physical or mental illness; or

(e) misuse or abuse of powers vested in him or for gross inefficiency and negligence or failure to provide leadership to the Police Force.

5B. (1) The Police officer on operational duties in the field viz. Inspector General of Police in a range, Deputy Inspector General of Police, Commissioner of Police, Deputy Commissioner of Police, Assistant Commissioner of Police, Superintendent of Police, Sub-Divisional Police Officer and a police officer posted as an Officer in-charge of the Police Station shall ordinarily have a minimum tenure of two years on such post.

Tenure of office of key police functionaries.

(2) Any police officer referred to in sub-section (1) may be removed or, as the case may be, transferred from his post before the expiry of the tenure of two years consequent upon the -

- (a) conviction by a court of law, or
- (b) punishment of dismissal, removal, compulsory retirement from service or of reduction to a lower rank; or
- (c) charges having been framed by a court of law in a criminal offence; or
- (d) suspension from service; or
- (e) incapability to discharge his functions and duties due to physical or mental illness; or
- (f) misuse or abuse of powers vested in him; or
- (g) gross inefficiency and negligence where a prima facie case of a serious nature has been established after a preliminary enquiry; or
- (h) superannuation; or
- (i) promotion to a higher post; or
- (j) on his own request.”.

3. In the principal Act, after section 7, the following section shall be inserted, namely :-

Insertion of new section 7A in Bom. XXII of 1951.

“7A. (1) The State Government may, having regard to the population in an area or the circumstances prevailing in such area, by an order, separate the investigating police from the law and order police wing in such area to ensure the speedier investigation, better expertise and improved rapport with the people.

Separation of investigating wing and law and order wing.

(2) Such investigating police wing shall investigate the serious crimes such as offence punishable under Chapter XII, XVI, XVII of the Indian Penal Code, Offences of Terrorist Activities, Cyber Offences, Inter as of 1860. State Offences and such other offences as the State Government may, by an order, direct.

45 of 1860

(3) The Director General and Inspector General of Police or an officer authorized by him shall co-ordinate between the Law and Order Police wing and the Investigating Police wings.”.

Insertion of
new Chapter
IIIA in Bom.
XXII of 1951.

4. In the principal Act, after Chapter III, the following Chapter shall be inserted, namely :-

“CHAPTER IIIA

STATE SECURITY COMMISSION, POLICE ESTABLISHMENT BOARD AND POLICE COMPLAINTS AUTHORITY

Establishment
and constitution
of State Security
Commission.

32A. (1) The State Government shall, by notification in the *Official Gazette*, establish a State Security Commission to exercise the powers and perform the functions as assigned to it by or under the provisions of this Chapter.

(2) The State Security Commission shall consist of the following members, namely :-

- (a) the Chief Minister of the State, *ex-officio*, who shall be the Chairperson;
- (b) the Minister in-charge of Home Department...*ex-officio*;
- (c) the Chief Secretary to the Government of Gujarat *ex-officio*;
- (d) the Secretary to the Government of Gujarat, Home Department, ... *ex-officio*;
- (e) the Director General and Inspector General of Police *ex-officio*, who shall be the Member-Secretary; and
- (g) two non-official members to be appointed by the State Government of persons having reputation for integrity and competence in the field of academia, law, public administration or media.

(3) No person shall be appointed as a member under clause (g) of sub-section (2), if he -

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

(4) A non-official member appointed under clause (g) of sub-section (2) may be removed on any of the following grounds:

- (a) proven incompetence;
- (b) Proven misbehavior or misuse or abuse of powers vested to him;
- (c) failure to attend three consecutive meetings of the State Security Commission without sufficient cause;
- (d) incapacitation by reasons of physical or mental infirmity;
- (e) otherwise becoming unable to discharge his functions as a member;
- (f) conviction by a court of law in an offence punishable under Chapter XII, XVI or XVII of the Indian Penal Code, 1860 or where charges have been framed by a court in a case in moral turpitude.

45 of 1860.

(5) The terms of office of the non-official members shall be for a period not exceeding three years. The other terms and conditions of such members shall be such as may be prescribed.

32B. The State Security Commission shall exercise the following powers and perform the following functions, namely :-

Functions of
State Security
Commission.

- (1) to advise the State Government on policy guidelines for promoting efficient, effective, responsive and accountable policing of Police Force in the State;
- (2) to assist the State Government in identifying performance indicators to evaluate the functioning of the Police Force. These indicators shall, *inter alia*, include the operational efficiency, public satisfaction, victim satisfaction *vis-à-vis* police investigation and response, accountability, optimum utilization of resources and observance of human rights standards;
- (3) to review periodically, the performance of the Police Force;
- (4) to suggest for the performance of the preventive tasks and service oriented functions of the Police Force;
- (5) to review and evaluate organizational performance of the police against -
 - (i) the performance indicators as identified and laid down by the Commission itself;
 - (ii) the resources available with, and constraints of the police;
- (6) to suggest policy guidelines for gathering information and statistics related to police work;

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(7) to suggest ways and means to improve the efficiency, effectiveness, accountability and responsiveness of the police; and

(8) such other functions as may be assigned to it by the State Government.

Annual Report. 32C. The State Security Commission shall, at the end of each year, prepare a report on its works during the preceding year as well as on the evaluation of performance of the Police Force and submit it to the State Government for consideration and appropriate action.

Constitution of Police Establishment Board. 32D. (1) The State Government shall, by an order, constitute a Police Establishment Board consisting of the following members, namely :-

- (1) the Director General and Inspector General of Police, *ex-officio*, who shall be the Chairman;
- (2) the Additional Director General of Police (Administration), ... *ex-officio*;
- (3) an officer not below the rank of the Deputy Secretary to Government of Gujarat, Home Department, ... *ex-officio*; and
- (4) an officer not below the rank of Inspector General of Police to be nominated by the State Government, *ex-officio*, who shall be the Member Secretary.

Powers and functions of Police Establishment Board. 32E. The Police Establishment Board shall exercise the following powers and perform the following functions and duties, namely :-

- (a) transfer of officers in the rank of Police Inspector and Sub- Inspectors;
- (b) prescribe guidelines and instructions for transfer of Subordinate ranks from one Police District to another;
- (c) analyses the grievances of the police personnel below the rank of Deputy Superintendent of Police and suggest remedial measures to the State Government;
- (d) grant promotion to higher post from the cadre of Constable and *Lok Rakshak*;
- (e) such other functions as may be assigned to it by the State Government.

32F. (1) The State Government shall constitute, by an order, the State Police Complaints Authority consisting of the following members, namely :-

- (a) a retired Judge of the High Court or a retired officer not below the rank of Principal Secretary to the Government of Gujarat, who shall be the Chairperson;

Establishment of State Police Complaints Authority.

- (b) the Principal Secretary to the Government of Gujarat, Home Department, *ex-officio*;
- (c) an officer not below the rank of the Additional Director General of Police, nominated by the State Government, *ex-officio*, who shall be the Member Secretary; and
- (d) a person of eminence appointed by the State Government.

(2) The terms and conditions of the members of the State Police Complaints Authority, other than *ex-officio*, shall be such, as may be prescribed.

32G. The State Police Complaints Authority shall exercise the following powers and perform following functions, namely :-

Powers and functions of State Police Complaints Authority.

- (1) to look into the complaints against police officers of the rank of Deputy Superintendent of Police and above, in respect of serious misconduct, dereliction of duty, misuse of powers, or any other matter specified by the Government, not covered by the Vigilance Commission, National Human Rights Commission, State Human Rights Commission, Commission for Minorities, Commission for Scheduled Castes and Scheduled Tribes, Commission for Women and Commission for Backward Class Communities, or any other Commissions as may be appointed from time to time either by the Central Government or by the State Government;
- (2) to require any person to furnish information on such points or matters as, in the opinion of the Authority, may be useful for, or relevant to, the subject matter of the inquiry, and any person so required shall be deemed to be legally bound to furnish such information within the meaning of sections 176 and 177 of the Indian Penal Code, 1860;
- 45 of 1860. (3) to enforce attendance of any person and take evidence on oath in the manner of a civil court;
- (4) to make appropriate recommendations to the State Government on any case enquired into by it, wherever required.

Establishment of District Police Complaints Authority.

32H. (1) The State Government shall, by an order, constitute the District Police Complaints Authority for each District consisting of the following members, namely :-

- (a) The Superintendent of Police of the District, ... *ex-officio*, who shall be the Chairperson;
- (b) The Additional District Magistrate of the District, to be appointed by the State Government, *ex-officio*;

- (c) two members of the Gujarat Legislative Assembly elected from the concerning District, to be appointed by the State Government;
 - (d) The Deputy Superintendent of Police, *ex-officio*, who shall be the Member-Secretary.
- (2) The terms and conditions of the members of the District Police Complaints Authority other than *ex-officio*, shall be such as may be prescribed.
- (3) (a) The District Police Complaints Authority shall meet at least once in every quarter and assess the record of at least one-fourth of all Police Stations within the District with respect to the following matters and also prepare a rating in the prescribed manner,-
- (i) prompt registration of First Information Report;
 - (ii) custodial violence;
 - (iii) extortion of money from complainants and the victims;
 - (iv) drunken behavior ; and
 - (v) misbehavior with the public.
- (b) The report and the rating shall be sent to the concerned authorities for taking appropriate action.

**Powers and
functions of
District Police
Complaints
Authority.**

32I. The District Police Complaints Authority shall exercise the following powers and the perform following functions, namely :-

- (a) receive complaints against police officers posted in the District;
- (b) inquire into the complaints involving serious dereliction from duty, grave misconduct, misuse of powers and such other matters as may be directed by the State Government against the police officers up to the rank of Police Inspector;
- (c) forward the complaints to the State Police Complaints Authority against the police officers in the rank of Deputy Superintendent of Police and above;
- (d) receive and inquire into complaints of non-registration of First Information Report;
- (e) monitor the progress of departmental inquiries into cases of complaints of misconduct against police officers;

- (f) after an inquiry into a complaint of misconduct, the District Police Complaints Authority may make its recommendations to the concerned disciplinary authority;
- (g) direct the registration of the First Information Report, the if a complaint of non-registration is found to be correct by the Authority.

32J. The State Government shall provide such sum to the State Security Commission, Police Establishment Board and the State and the District Police Complaints Authorities to enable it to discharge the functions assigned to it under this Chapter.”

Providing funds to Commission, Board, etc.

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