

Khammam (Metropolitan Area) Police Act, 2016

TELENGANA

India

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Act 10 of 2017

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Khammam (Metropolitan Area) Police Act, 2016(Act No. 10 of 2017)[Dated 20th January, 2017]Received the assent of the Governor on the 19th January, 2017.An Act to provide for the establishment of Khammam Police Commissionerate for the Metropolitan area of Khammam and for the matters connected therewith or incidental thereto.Be it enacted by the Legislature of the State of Telangana in the Sixty-seventh Year of the Republic of India as follows:-

1. Short title, extent and commencement.

(1)This Act may be called the Khammam (Metropolitan Area) Police Act, 2016.(2)It extends to the limits of Khammam Metropolitan Area, declared by the Government by notification.(3)It shall come into force on such date as the State Government may, by notification, appoint.

2. Definitions.

(1)In this Act, unless the context otherwise requires,-(a)the "Khammam Metropolitan Area" means, the areas notified by the Government in this behalf;(b)"Commissioner" means, Commissioner of Police appointed by the Government under section 5 of the Act and the word "Commissionerate" shall be construed accordingly;(c)"Collector and District Magistrate" means, the District Collector and the District Magistrate of the concerned District;(d)"Government" means, the State Government of Telangana;(e)"Notification" means, a notification published in the Telangana Gazette and the word "notified" shall be construed accordingly;(f)"Prescribed" means prescribed by rules under this Act.(2)The words and expressions used in this Act and not defined, but defined in the Hyderabad City Police Act, 1348 F., (Act IX of 1348 F.) shall have the meanings respectively assigned to them in the said Act.

3. Establishment of Khammam Police Commissionerate for the Metropolitan Area of Khammam.

(1) With effect from the commencement of this Act, the areas as notified by the Government as Khammam Metropolitan Area under section 8 of the Code of Criminal Procedure, 1973, (Central Act 2 of 1974) shall be the Khammam Police Commissionerate for the purpose of this Act, and on such commencement the Khammam Police Commissionerate shall be deemed to have been established for the said Metropolitan Area of Khammam: Provided that the Government may, from time to time, after consultation with the Collector and District Magistrate and Commissioner, by notification in the Telangana Gazette, alter the limits of the Commissionerate constituted under this sub-section so as to include therein or to exclude therefrom the areas specified in the notification: Provided further that the power to issue a notification under this sub-section shall be subject to previous publication. (2) Subject to the provisions of sub-sections (3) and (4), the Telangana District Police Act, 1329 F., shall with effect from the commencement of this Act, cease to apply to the Khammam Metropolitan Area. (3) Such cessation shall not effect, - (a) the previous operation of the Telangana District Police Act, 1329 F., (Act X of 1329 F.) in respect of the areas within the Metropolitan area of Khammam; (b) any penalty, forfeiture or punishment incurred in respect of any offences committed under the provisions of the Telangana District Police Act, 1329 F. (Act X of 1329 F.); or (c) any investigation, legal proceedings or remedy in respect of such penalty, forfeiture or punishment and any such penalty, forfeiture or punishment may be imposed as if this Act had not been enacted. (4) Notwithstanding anything contained in sub-section (2), all notifications, rules, regulations, orders, directions, and powers made, issued or conferred under the provisions of the Telangana District Police Act, 1329 F., (Act X of 1329 F.) and in force at the commencement of this Act, shall so far as they are not inconsistent with the provisions of this Act continue to be in force in the Khammam Metropolitan Area, until they are replaced by the notification, rules, regulations, orders, directions and powers to be made or issued or conferred under this Act.

4. Organisation of Police.

(1) With effect from the date of commencement of this Act, the Police Force functioning in the Khammam Metropolitan area shall be deemed to be the Police Force of such Metropolitan area. (2) Notwithstanding anything contained in sub-section (1), it shall be competent for the Government to appoint any Police Force as may be prescribed in this behalf from time to time.

5. Appointment and removal of Police Commissioner.

(1) The control and supervision of Police Force specified under section 4 shall, subject to the orders of the Government, be vested in an officer, who shall be called the Commissioner of Khammam for the metropolitan area and who may from time to time, be appointed and removed by the Government. (2) The Headquarters of the Commissionerate shall be at Khammam or at such other place as may be notified. (3) The Commissioner shall be designated as Commissioner of Police and Additional District Magistrate, Khammam.

6. Appointment of Deputy Commissioner and Assistant Commissioner.

(1)The Government may, from time to time, appoint one or more Deputy Commissioners and one or more Assistant Commissioners or may remove any Deputy Commissioner or Assistant Commissioner so appointed.(2)Every such Deputy Commissioner shall, subject to the orders of the Commissioner, be competent to exercise all powers or perform some of the duties which are required to be performed by the Commissioner under this Act or any other enactment for the time being in force, and every Assistant Commissioner of Police appointed under subsection (1) shall exercise such powers or perform such duties as may from time to time be conferred upon or assigned to him by the Commissioner:Provided that the Deputy Commissioner and Assistant Commissioner shall not exercise the powers regarding making rules for regulation of traffic and for preservation of orders and judicial powers of superior police officer, vested in the Commissioner.

7. Application of the provisions of the Hyderabad City Police Act, 1348 F.

(1)Save as otherwise expressly provided herein, all the provisions of the Hyderabad City Police Act, 1348 F., (Act IX of 1348 F.) (hereinafter in this section called "the said Act") including the provisions relating to make rules for regulation of traffic and for preservation of orders and giving directions to public are hereby extended to and shall apply mutatis mutandis to the Khammam Commissionerate and the said Act shall, in relation to the Commissionerate be read and construed as if the provisions of the said Act had formed part of this Act.(2)The Commissioner and the Deputy Commissioners of Police of Khammam Police Commissionerate shall exercise the powers of the District Magistrate under section 47 of the Hyderabad City Police Act, 1348 F., (Act IX of 1348 F.) in the limits of urban police stations as may be notified by the Government, from time to time, in consultation with the Collector and District Magistrate / Commissioner of Police.(3)For the purpose of facilitating the application of the provisions of the Hyderabad City Police Act, 1348 F., (Act IX of 1348 F.) to the Khammam Commissionerate, the Government may, by notification, make such adaptations and modifications of the said Act and rules, notifications, regulations, orders, directions made thereunder whether by way of repealing, amending or suspending any provision thereof as may be necessary or expedient and thereupon the said Act and the rules, notifications, regulations, orders and directions made thereunder, shall apply to the Khammam Commissionerate, subject to the adaptation and modifications so made.(4)Notwithstanding that no provision or insufficient provision has been made under sub-section (3) for the adaptation of the provisions of the said Act, rules, notifications, regulations, orders and directions made thereunder, any Court, Tribunal or authority, required or empowered to enforce those provisions may, for the purpose of facilitating their application to the Commissionerate, construe these provisions in such manner, without affecting the substance as may be necessary or proper in regard to the matter before the Court, Tribunal or Authority.

8. Power to remove difficulty.

(1)If any difficulty arises in giving effect to the provisions of this Act, the Government may, by notification in the Telangana Gazette do anything not inconsistent with such provisions which appear to them to be expedient or necessary for the purpose of removing the difficulty.(2)Every

notification issued under this section shall be laid before the Legislature of the State as soon as possible after it is issued and if the Legislature agrees in making any modification in the notification or in the annulment of the notification, the notification shall thereafter have effect only in such modified form or stand annulled as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that notification.

9. Power to give directions.

- The Government may, from time to time, give such directions not inconsistent with the provisions of the Act or the rules made thereunder to the Khammam Commissionerate as it may consider necessary for carrying out the purposes of this Act.

10. Power to make rules.

(1)The Government may, by notification, make rules for carrying out all or any of the purposes of this Act.(2)Every rule made under this Act shall immediately after it is made, be laid before the Legislature of the State, if it is in session and if it is not in session, in the session immediately following for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiration of the session in which it is so laid or the session immediately following the Legislature agrees in making any modification in the rule or in the annulment of the rule, the rule shall, from the date on which the modification or annulment is notified, have effect only in such modified form or shall stand annulled as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

11. Amendment of Act X of 1329 Fasli.

- In the Telangana District Police Act, 1329 F, in section 1, for the words "and the Ramagundam Metropolitan Area", the words "Ramagundam Metropolitan Area, Siddipet Metropolitan Area and the Khammam Metropolitan area" shall be substituted.