

Cyberabad (Metropolitan Area) Police Act, 2004

TELENGANA

India

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Act 2 of 2004

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Cyberabad (Metropolitan Area) Police Act, 2004(Act No. 2 of 2004)Last Updated 21st January, 2020The Cyberabad (Metropolitan Area) Police Act, 2004 received the assent of the Governor on the 3rd July, 2004. The said Act in force in the combined State, as on 02.06.2014, has been adapted to the State of Telangana, under section 101 of the Andhra Pradesh Reorganisation Act, 2014 (Central Act 6 of 2014) vide. the Telangana Adaptation of Laws (No.2) Order, 2016, issued in G.O.Ms.No.46, Law (F) Department, dated 01.06.2016.

1. Short title, extent and commencement.

(1)This Act may be called the Cyberabad (Metropolitan Area) Police Act, 2004.(2)It extends to the limits of Cyberabad Metropolitan Area declared by the Government may, by notification.(3)It shall be deemed to have come into force with effect on and from 19th December, 2003.

2. Definitions.

- In this Act, unless the context otherwise requires, -(a)the word "Cyberabad 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 to [the respective Commissionerates of the] [Inserted by Act No.14 of 2016.] Cyberabad Metropolitan Area and the word "Commissionerate" shall be construed accordingly;(c)"Collector and District Magistrate" means the District Collector and the District Magistrate [of a district, where from the area/s is notified as Cyberabad Metropolitan area under section 8 of the Code of Criminal Procedure, 1973] [Substituted by Act No.14 of 2016.];(d)"Government" means the State Government of [Telangana] [Substituted by G.O.Ms.No.46, Law (F) Department, dated 01.06.2016.];(e)"notification" means a notification published in the [Telangana] [Substituted by G.O.Ms.No.46, Law (F) Department, dated 01.06.2016.] Gazette and the word "notified" shall be construed accordingly;(f)"prescribed" means prescribed by rules under this Act.(2)All 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)] [Adapted by G.O.Ms.No.46,

Law (F) Department, dated 01.06.2016.] shall have the meanings respectively assigned to them in that Act.

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

(1) With effect from the commencement of this Act, the areas as notified by the Government as Cyberabad Metropolitan Area under section 8 of the Criminal Procedure Code, 1973, (Central Act 2 of 1974) shall be the Cyberabad Police Commissionerate for the purpose of this Act and on such commencement the Cyberabad Police Commissionerate shall be deemed to have been established for the said Metropolitan Area of Cyberabad: [Provided that in order to maintain better law and order and for more administrative convenience owing to geographic background and rapid urbanization, Government may, by including those areas as may be notified further to be the Cyberabad Metropolitan area under section 8 of the Criminal Procedure Code, 1973, re-organize the Cyberabad Police Commissionerate established under sub-section (1), into such number of Police Commissionerates with specified areas, and such names by notification and on such commencement such number of Police Commissionerates with such areas as notified therein shall be deemed to have been established respectively: Provided further that the Government may, from time to time, by notification alter the limits of the Commissionerate/s established under this sub-section, so as to include therein or to exclude therefrom, the areas specified in the notification.] [Substituted by Act No.14 of 2016.](2) Subject to the provisions of sub-sections (3) and (4), the [Telangana District Police Act, 1329 F. (Act X of 1329 F)] [Adapted by G.O.Ms.No.46, Law (F) Department, dated 01.06.2016.] shall with effect from the commencement of this Act, cease to apply to the Cyberabad Metropolitan Area.(3) Such ceasing shall not effect, -(a) the previous operation of the [Telangana District Police Act, 1329 F. (Act X of 1329 F)] [Adapted by G.O.Ms.No.46, Law (F) Department, dated 01.06.2016.] in respect of the area comprises within the Metropolitan area of Cyberabad;(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.)] [Adapted by G.O.Ms.No.46, Law (F) Department, dated 01.06.2016.] 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 passed.(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.] [Adapted by G.O.Ms.No.46, Law (F) Department, dated 01.06.2016.] 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 Cyberabad 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 establishment of the Cyberabad Metropolitan Police Commissionerate/s, the Police Force functioning in the said Metropolitan Area shall be deemed to be the Police Force of such Metropolitan areas, respectively.] [Substituted by Act No.14 of

2016.](2)Notwithstanding anything contained in sub-section (1), it shall be competent far 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 the respective Police Commissionerate] [Substituted by Act No.14 of 2016.] and who may, from time to time, be appointed and removed by the Government.(2)The Headquarters of the Commissionerate shall be at Hyderabad or at such other place as may be notified.(3)The Commissioner shall be designated as Commissioner of Police and Additional District Magistrate [of the respective Police Commissionerate]. [Substituted by Act No.14 of 2016.]

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 same 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)] [Adapted by G.O.Ms.No.46, Law (F) Department, dated 01.06.2016.] (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 Cyberabad [Commissionerate/s] [The word 'Commissionerate' substituted with the word 'Commissionerate/s' by Act No.14 of 2016.] and the said Act shall, in relation to the [Commissionerate/s] [The word 'Commissionerate' substituted with the word 'Commissionerate/s' by Act No.14 of 2016.] be read and construed as if the provision of the said Act had formed part of this Act.(2)The Commissioner and the Deputy Commissioners of Police of Cyberabad Police [Commissionerate/s] [The word 'Commissionerate' substituted with the word 'Commissionerate/s' by Act No.14 of 2016.] shall exercise the powers of the District magistrate under section 47 of the [Hyderabad City Police Act, 1348 F. (Act IX of 1348 F.)] [Adapted by G.O.Ms.No.46, Law (F) Department, dated 01.06.2016.] in the limits of urban police stations as may be notified by the Government, from time to time, be in consultation with the Collector and District Magistrate and 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.)] [Adapted by

G.O.Ms.No.46, Law (F) Department, dated 01.06.2016.], to the Cyberabad [Commissionerate/s] [The word 'Commissionerate' substituted with the word 'Commissionerate/s' by Act No.14 of 2016.], 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 Cyberabad [Commissionerate/s] [The word 'Commissionerate' substituted with the word 'Commissionerate/s' by Act No.14 of 2016.], subject to the adaptations and modifications so made.(4)Notwithstanding that no provision or insufficient provision have been made under sub-section (3) for the adaptations of the provisions of the said Act or rules notifications, regulations, orders and directions made thereunder, any Court, Tribunal or authority required or empowered to enforce these provisions may for the purpose of facilitating their application to the [Commissionerate/s] [The word 'Commissionerate' substituted with the word 'Commissionerate/s' by Act No.14 of 2016.] 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 the effect to the provisions of this Act, the Government may, by notification in the [Telangana] [Substituted by G.O.Ms.No.46, Law (F) Department, dated 01.06.2016.] 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 agree 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 Cyberabad [Commissionerate/s] [The word 'Commissionerate' substituted with the word 'Commissionerate/s' by Act No.14 of 2016.] 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 F.

- In the [Telangana District Police Act, 1329 F.] [Adapted by G.O.Ms.No.46, Law (F) Department, dated 01.06.2016.] in section 1, for the words "except the Hyderabad City Police Limits", the words "except the Hyderabad City Police Limits and the Cyberabad Metropolitan Area", shall be substituted.

12. Amendment of Act IX of 1348 F.

- In the [Telangana District Police Act, 1329 F.] [Adapted by G.O.Ms.No.46, Law (F) Department, dated 01.06.2016.] (hereinafter referred to as the principal Act),-(i)in section 26 of the principal Act, in sub-section (8) for the expression 'sections 75, 76 and 77 of the Code of Criminal Procedure, 1898' (Central Act V of 1898)., the expression "sections 70, 71 and 72 of the Code of Criminal Procedure, 1973", (Central Act 2 of 1974). shall be substituted;(ii)in section 30 of the principal Act, in clause (a), for the expression "section 54 of the Code of Criminal Procedure, 1898", the expression "sub-section (1) of section 41 of the Code of Criminal Procedure, 1973", shall be substituted;(iii)in section 36 of the principal Act, for the expression "section 42 of the Code of Criminal Procedure, 1898", in two places where it occurs, the expression "section 37 of the Code of Criminal Procedure, 1973", shall be substituted; (iv) in section 47 of the principal Act,-(a)in sub-section (1), for the expression "sections 94, 96, 97 and 98 of the Code of Criminal Procedure, 1898", the expression "sections 91, 93(1), 93(2) and 94 of the Code of Criminal Procedure, 1973", shall be substituted;(b)in sub-section (2), for the expression "the Code of Criminal Procedure, 1898 (Central Act V of 1898)", the expression "the Code of Criminal Procedure, 1973 (Central Act 2 of 1974)", shall be substituted;(v)in section 48 of the principal Act, in sub-section (1), for the expression "section 161 of the Code of Criminal Procedure, 1898", the expression "section 161 of the Code of Criminal Procedure, 1973", shall be substituted;(vi)in section 52 of the principal Act in clause (c) for the expression "section 59 of the Code of Criminal Procedure, 1898", the expression "section 43 of the Code of Criminal Procedure, 1973", shall be substituted;(vii)in section 55 of the principal Act, for the expression "the Code of Criminal Procedure, 1898", the expression "the Code of Criminal Procedure, 1973", shall be substituted;(viii)in section 79 of the principal Act, in the proviso, for the expression "section 403 of the Code of Criminal Procedure, 1898", the expression "section 300 of the Code of Criminal Procedure, 1973", shall be substituted.

13. Repeal of Ordinance 9 of 2003.

- The Cyberabad (Metropolitan Area) Police Ordinance, 2003 is hereby repealed.