

The Andhra Pradesh (Telangana Area) District Police Act, 1329 F

ANDHRA PRADESH

India

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Act 10 of 1329

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The Andhra Pradesh (Telangana Area) District Police Act, 1329 F[Act No. 10 of 1329 F][25th Dai, 1329 F]Whereas it is expedient to codify the Andhra Pradesh (Telangana Area) District Police Act, 1329 F and to make the district police a more powerful instrument for the prevention and detection of crimes It is enacted as follows:

1. Short title, commencement and extent

This Act may be called, the Andhra Pradesh (Telangana Area) District Police Act, 1329F. and it shall come into force in the whole of the Telangana area of the State of Andhra Pradesh except the Hyderabad City Police limits from the date of its publication in the Official Gazette.

2. Definitions

In this Act unless there is anything repugnant in the subject or context-(1)the words "the Collector of the District" mean the Chief Officer of the District in-charge of the administration of a district and exercising the power of a Collector of a District though the officer be given some other designation;(2)the word "Police" includes all such persons as may be enrolled under this Act or have been enrolled before the enforcement of this Act;(3)the words 'the area under the Police Administration' mean 'the area to which this Act extends'.(4)the words "District Superintendent" include every Assistant Superintendent or other person appointed by general or special order of the Government or of any authority or perform all or any of the duties of a District Superintendent of Police under this Act in any district or area.

3. Organisation of the force

(1)The entire establishment of the Police Force within the area to which this Act extends including the persons mentioned in Section 4 of this Act shall constitute one Police Force.(2)The Government may, from time to time, fix the number and Pay of Officers and Constables of the Police Force.

4. Director-General of District Police, etc.

(1)The Police administration within the area under the police administration shall be vested in the Director-General of Police who shall be appointed by the Government and the Government shall also, for his assistance, appoint such Deputy and Assistant Directors-General as it deems proper.(2)The police administration with the local jurisdiction of the Collector of a District shall, under the general supervision and direction of such Collector of a District, be vested in the District Superintendent and the Assistant District Superintendents appointed by the Government.

5. Magisterial powers of Director-General of District Police and exercise thereof

The Director-General of Police shall have the powers of a Magistrate of the First Class throughout the area under the police administration but he shall exercise such powers subject to such conditions as may, from time to time, be prescribed by the Government.

6. Appointment and dismissal etc., of subordinate officers

The power to appoint, dismiss, degrade and otherwise punish all police officers other than the officers mentioned in Section 4 shall, in pursuance of such rules as the Government may, from time to time, prescribe vest in the Director-General of District Police.The Government may, by rules, determine the powers of officers subordinate to the Director-General of District Police.

7. Certificate to Police Officers

(1)Every police officer appointed as aforesaid shall be given at the time of appointment a certificate in the form annexed to this Act. Such certificate shall bear the seal of the Director-General of District Police or any other officer appointed by him for this work. The award of such certificate shall have the effect to vest the holder thereof with the powers, functions and privileges of a Police Officer.(2)Such certificate shall cease to have effect when the person named herein ceases, for any reason, to be a Police Officer, and in such case, the certificate shall be immediately surrendered, to the officer empowered to take back the same.(3)When a police officer is suspended from his office it shall not be said merely by reason of suspension that he has ceased to be a police officer. During the period of his suspension the powers, functions and privileges vested in him as a Police Officer shall be in abeyance, but he shall be subject to the same responsibilities, discipline and penalties and subordinate to the same officer as he would have been if he had not been suspended.

8. Police officer not to relinquish office without leave or resign without giving two months' previous notice-

(1)No Police Officer shall be empowered to withdraw himself from the duties of his office, unless expressly allowed to withdraw by the District Superintendent or by some other officer having such an authority.(2)No Police Officer shall, without the permission of the District Superintendent, resign his office, unless he shall have given to his superior officer two months' previous notice in writing of intention to resign.

9. Police Officer not to have connection with any other work

No Police Officer shall have any concern with any service or work other than the services or works prescribed by this Act without the permission in writing from the Director-General of District Police.

10. Powers of Government to make rules

The Government may give orders and make rules with regard to the following matters:-(1)the constitution, organisation and classification of police force;(2)the places where members of the said force shall reside;(3)the services which shall be performed by the police officers;(4)the inspection of the police force, the description of arms, accoutrements and other necessities to be furnished to them;(5)the collection and communicating of intelligence and information by the police force;(6)the prevention of abuse or neglect of duty of the police force and rendering it efficient in the discharge of duty.

11. Additional Police Officers employed at cost of particular persons

Subject to the general direction of the the Collector of the District, the District Superintendent may, on the application of any person submitted with reasonable grounds, depute any additional number of police officers to maintain peace within the area under the administration of the police for such time as he shall think fit. Such force shall be subject to the order of the District Superintendent and the charge thereof shall be recovered from the applicant:Provided that the person on whose application such deputation shall have been made may, on giving one month's notice in writing to the District Superintendent, request that the force be withdrawn and the applicant shall be relieved of the charge of such force after the expiry of the period of such notice.

12. Appointment of additional police force in neighborhood of railway and other construction works etc.

When the work of railway or canal or any such other work or any factory or commercial concern is carried on, or is in operation in any part of the country, and the *Director-General of District Police is of the opinion that it is necessary on account of the behavior of the persons engaged in such work, factory or concern or of the behavior reasonably apprehended of them to depute an additional police force in such place, he may with the consent of the Government depute additional police force and

such force may be retained so long as such necessity shall continue.*The Director-General of District Police shall direct from time to time, the person having custody and control of the fund by which such work or factory or concern is being carried or is in operation for the payment of the charge of such additional force; and such person shall make payment of the charge accordingly;

13. Deputing additional police force at place in disturbed or dangerous state

(1)The Government may, by proclamation in the Official Gazette and in any other manner they may direct, declare that any area of the area to which this Act extends is in a disturbed or dangerous state, or that, considering the conduct of all the inhabitants of the area or of any class or section of them, it is expedient to increase the strength of the police.(2)The Director-General of District Police or the officer authorised by the Government in this behalf may, thereupon with the consent of the Government, employ extra force in addition to the police force appointed for such area.(3)Subject to the provisions of sub-section (5), the cost of such additional police force shall be borne by the inhabitants of such area.(4)The Collector of the District shall, after such enquiry as he may, deem necessary, impose such cost on the inhabitants who are, as aforesaid, liable to pay the same and who have not been exempted under sub-section (5). Such apportionment shall be made by the Collector of the District in his discretion and according to the capability of such inhabitants.(5)The Government may exempt any inhabitant or any class or section of such inhabitants from payment of cost.(6)Every proclamation published under sub-section (1) shall specify the period during which it shall remain in force but the Government may revoke the proclamation within the period or effect, from time to time, such extension in the period as it may deem fit.Explanation: For the purposes of this section "inhabitants" shall include persons who either personally or through their agents or servants hold or occupy land or other immovable property within that area and also the landlords who either personally or through their agents or servants recover rent or land revenue from the Raiyat or the land holders in such area notwithstanding that they do not actually reside therein.

13A. Special power of Director-General of District Police with regard to appointment of special Police Officer

The Director-General of District Police may at any time when he immediately apprehends that some disturbance or clash will take place or that there is an apprehension of breach of the public peace and that the ordinary police force is insufficient for the protection of the life and property of the inhabitants there, appoint any stout and sturdy male between the age of 18 and 55 years as "special police officer".(2)Every police officer who may be employed shall, on appointment-(a)receive a certificate in the prescribed form;(b)have all the powers, privileges and protection of a police officer;(c)perform all such functions as may be entrusted to him by the Director-General of District Police;(d)and be subject to the authority of the Director-General of District Police.

14. Awarding compensation to people suffering from misconduct of inhabitants or persons interested in land

(1) If, in any area in respect of which a proclamation under the preceding section is in force there be caused death or grievous hurt or loss or any damage to property on account of the misconduct of the inhabitants of such area or of any class or section thereof, every inhabitant of the area claiming damages for injury on account of such misconduct shall have the power to make, within one month from the date of injury or within such shorter period as may be fixed in this behalf, an application for damages to the District Magistrate or Sub-Divisional Magistrate of such area. (2) On submission of such application the Court of District Magistrate shall, after such enquiry as it may deem necessary, whether an additional police force has or has not been posted in such area, have the power to—(a) determine the persons who have suffered injury on account of such misconduct; (b) determine the amount which shall be paid to such persons as damages and also the manner in which the amount shall be distributed among those persons; (c) determine the proportionate share according to which the amount of compensation shall be paid by the inhabitants of such area other than the applicant who have not been exempted from the liability of its payment under sub-section (3): Provided that the Court of the District Magistrate shall make no order under this sub-section unless it is of opinion that the injury caused had been on account of a riot or unlawful assembly in such area, and the person injured was in no way guilty in respect of the riot or unlawful assembly. (3) The Government may, by order, exempt any person or class or section of such inhabitants from liability of paying the damages. (4) An appeal against the order passed under sub-section (2) shall lie in the High Court. (5) Where damage for an injury has been awarded under this section a claim therefor shall not be made in a Civil Court. Explanation:—In this section "inhabitants" shall have the meaning assigned thereto in Section 13.

15. Recovery of sums payable under Sections 11, 12, 13, 14 and utilisation of same when recovered

(1) All sums payable under Sections 11, 12, 13, 14 may be recovered by the District Magistrate in the manner prescribed in the Code of Criminal Procedure, 1898 for the recovery of fine. But if any sum cannot be recovered in this manner such sum may be recovered in the manner prescribed in the Andhra Pradesh (Telangana Area) Land Revenue Act for the recovery of arrears of land revenue. (2) All amounts paid or received under Sections 11, 12, 13 shall be credited to a fund to be called "The Police Force General Fund" and shall be applied to the maintenance of the Police force in accordance with the orders as the Government shall pass. (3) All amounts paid or received under Section 14 shall be paid by the District Magistrate to the persons and in the proportion specified under the said section.

16. Powers of Police Officers

The Police Officers enrolled under this Act shall not have any other powers except the powers conferred by this Act or by the Code of Criminal Procedure 1898.

17. Village Police Officers

Nothing in this Act shall apply to any hereditary or any other Village Police Officer.

18. Police Officers shall be considered to be always deputed on duty and may be employed in any part of the area to which this Act extends

Every Police Officer shall, for the purposes of this Act, be considered to be always deputed on duty, and may be employed as a Police Officer in any part of the area to which this Act extends.

19. Duties of Police Officers

(1) It shall be the duty of every Police Officer—(a) to execute forthwith all orders and warrants of arrest lawfully issued to him by a competent authority; (b) to collect and communicate intelligence respecting public order; (c) to prevent offences and public nuisance; (d) to detect offenders and have them convicted and to apprehend all persons whom he is legally authorised to apprehend and for whose apprehension sufficient ground exists. (2) Every Police Officer may, for carrying out the purposes mentioned in sub-section (1) without a warrant of arrest enter into and inspect any liquor shop or gambling house or such other place where men of loose and bad character assemble.

20. Police Officers may lay information before Magistrate

Every Police officer may lay any information before a Magistrate, and apply for summons, warrant of arrest, search warrant or such other lawful order as may by law issue against any person committing an offence.

21. Action against persons refusing to deliver up certificate etc., on ceasing to be Police Officer

Any person enrolled under this Act and who, having ceased to be a Police officer, does not forthwith deliver up his service certificate, dress and accoutrement and other necessities which have been given to him for the execution of duty, shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to two hundred rupees or with both.

22. Punishment on ground of neglect of duty etc.

Any Police Officer who—(1) is guilty of any violation of duty, or (2) willfully commits a breach of any rule or law or lawful order made by any competent authority or neglects in obeying it, or (3) withdraws from the function of his office without permission or without having given two months' previous notice, or (4) is on leave and does not, without reasonable cause, report for duty on the expiration of leave, or (5) engages without permission in any work in addition to his duty, or (6) is guilty of cowardice, or (7) causes unwarrantable physical hurt to any person in his custody, shall be punished with imprisonment for a term which may extend to three months or with fine which may extend to three months' pay or with both.

23. Regulating public assemblies and procession and granting licenses relating to same

(1)The District Superintendent of Police or the Assistant Superintendent of Police may, as occasion requires, regulate the conduct of all assemblies and processions on the public roads or in the public streets thoroughfares and prescribe routes and the times for the passing of such processions.(2)When the District Superintendent of Police or the Assistant Superintendent of Police is satisfied that the intention of certain person on any class of persons is to collect people or take out a procession on any public road or public street or thoroughfare which would, if not regulated, in the opinion of the District Magistrate or sub-District Magistrate, be likely to cause breach of peace, such Superintendent or Assistant Superintendent may require, by general or special proclamation, that such persons or class of persons intending to so collect people or take out a procession shall obtain a license.(3)When the application is made for a license, the District Superintendent of Police or the Assistant Superintendent of Police may grant a license containing the names of persons to whom the permission has been accorded and bearing the conditions subject to which such assembly may be held or such procession may be taken out so that the provisions of this section be given effect to :Provided that no fees shall be taken in respect of such license or the application for obtaining the same.(4)The District Superintendent of Police or Assistant Superintendent of Police may also direct that to what extent music may be played on the roads on the occasion of festivals and other ceremonies.(5)The District Superintendent of Police or Assistant District Superintendent of Police may on likelihood of breach in connection with any procession prohibit or impose restrictions on keeping arms including fire-arms and using bullet and lead shots on the occasion of assemblies and processions on public roads or public streets or thoroughfares.

24. Powers respecting assemblies and processions violating conditions of license

(1)Every Magistrate or District Superintendent of Police or Assistant Superintendent of Police or Sub-Inspector of Police or an Officer in charge of a Police Station may stop any procession which violates the conditions of the license granted under the foregoing section, and he may order any such procession or assembly which violates the conditions of the license granted under the above section to disperse.(2)Every procession or assembly, which neglects or refuses to obey an order given under sub-section (1), shall be deemed to be an unlawful assembly.

25. Police shall keep order on public streets, etc.

It is the duty of the police to keep order on streets, public roads, thoroughfares, landing places and public traffic and to remove obstructions to passage on streets and public roads at the time of assemblies and processions or in the neighborhood of places of worship at the time of public worship or at any other occasion when a large number of people assemble on any street or public road, or thoroughfare or landing place or ferry where the passage is obstructed.

26. Penalty for violating provisions contained in Sections 23, 24 and 25

Every person who obstructs or violates any of the provisions contained in Sections 23, 24 and 25 or violates the conditions contained in the license granted by the District Superintendent of Police or the Assistant Superintendent of Police, with regard to playing of music or the conduct of assemblies and processions, shall be punishable with fine which may extend to two hundred rupees.

27. Saving of general authority of District Magistrate

Nothing in Sections 23, 24, 25 and 26 shall affect the general authority vested in the District Magistrate with regard to matters referred to in the said sections.

28. Cognizance of cases against Police Officers

When any charge is levelled under this Act against a police officer above the rank of a constable, a Magistrate of the first class shall have power to enquire and pass order.

29. Power to punish under other laws

When punishment for any act made punishable under this Act, has been prescribed in any other law for the time being in force, nothing contained in this Act shall prevent an action being taken against a Police Officer under such law or a punishment being given under such law more than that prescribed in this Act: Provided that no person shall be punishable twice for the same act.

30. Amounts received by Police Officers for service of warrants or furnishing intelligence shall be credited to General Police Fund

(1) All sums paid to police officers for service of warrants and the sum which by law a police officer, is entitled to receive for intelligence shall, when the intelligence is communicated by him, be credited to the General Police Fund. (2) The Government may, by general or special order, determine the amount which may be given out of the said amount as a reward to the officer concerned.

31. Limitation to institution of civil suit or prosecution

(1) When a civil suit or prosecution may be lawfully instituted for any act done or intended to be done by a person under the provisions of this Act, or under other general powers of the Police conferred by this Act, such suit or prosecution shall be instituted within three months after the act shall have been done and not otherwise. The notice in writing of such civil suit and of the cause thereof shall be given to the defendant or to the Superintendent of Police or the Assistant Superintendent of Police of the district within whose jurisdiction the act was committed, one month at least before the institution of the suit. (2) No damage shall be allowed to a plaintiff in any such civil suit, if sufficient amends have been made before instituting the suit, or if a sufficient sum for damages has been paid into Court by the defendant or any other person on his behalf after the

institution of the suit; and if a decree is given in favour of the plaintiff in such suit, the defendant shall not be made to pay the cash, unless the Judge, who had tried the case, deems fit to have the costs paid for having reasonably instituted the suit: Provided that a suit shall not lie in a Civil Court when the prosecution has been brought against the officer for the same act in a Criminal Court.

32. Plea for act done under warrant

When any civil suit or prosecution against a police officer has been instituted for any act done by him in the capacity of a police officer, he may plead that such act was done by him in pursuance of a warrant issued by a Magistrate. Such plea shall be proved by the production of the warrant directing to do such act and purporting to be signed by such Magistrate. The defendant shall, on the production of such warrant, be entitled to receive a decree in his favour notwithstanding a defect of jurisdiction in such Magistrate. No proof of the signature of such Magistrate shall be necessary unless the Court has reason to doubt its being genuine: Provided that nothing contained in this section shall effect the remedy of the plaintiff which he may have against the authority issuing the warrant.

33. Police Officers shall keep diary

(1) Every Police officer in-charge of a police station shall keep a general diary in such form as shall, from time to time, be prescribed by the Government and the following matters shall be recorded therein:-(1) complaints preferred and charges levelled; (2) names of persons arrested; (3) names of complainants; (4) offences charged with; (5) weapon or other property that has been recovered from the possession of the arrested persons or otherwise; (6) names of witnesses who have been examined; (2) The Director of District Police shall have power to call for and inspect such diary.

34. Government may call for returns and prescribe form thereof

The Government may direct the *Director General of Police or other Police officers to submit such returns as it deems fit and may prescribe the forms of such returns.

35. Power to make rules

The Government may make rules for carrying out the purposes of this Act. Such rules shall, inter alia, relate to the following matters:- (a) procedure which the Magistrates and Police officers shall adopt in the execution of their duties they have been charged with by virtue of this Act (b) with regard to claims for compensation preferred under Section 14 determining the period within which, the manner in which, and the conditions under which they shall be preferred and the particulars which shall be stated in such claims and the mode in which they shall be verified and the nature of the inquiry which shall be made into or other action which shall be taken with regard to the same.

(See Section 7) Mr. has been enrolled in the Police Force under the Andhra Pradesh (Telangana Area) District Police Act, 1329 F. and is vested with all the powers, functions and privileges of a

Police officer. Signature Designation