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No.DPCA -1223/CR 266/Pol 14

Dated:- 18.03.2024

To,

The Registrar General,
Hon'ble High Court of Bombay,
Mumbai.

Subject:- Request for recommendation of a panel of names of Retired Principal District Judges for the post of Chairperson, Divisional Police Complaint Authority,Nashik- Regarding.

Respected Sir,

With regards to above subject, the copies of notification regarding Maharashtra Police (Amendment and Continuance) Act, 2014; Maharashtra Divisional Police Complaint Authority (conditions of service) Rules, 2017; Maharashtra Divisional Police Complaint Authority (Administration and Procedure) Regulations, 2018.

2. According to the Sub Section (4) of Sec 22P & Sub Section (4) of Sec 22S of the Maharashtra Police (Amendment and Continuance) Act, 2014, the Chairperson of Divisional Police Complaint Authority has to be chosen by the State Government from a panel of names proposed by the Hon'ble Chief Justice of Bombay High Court. Accordingly, It is requested to recommend a panel of atleast three names of Retired Principal District Judge for the post of the Chairman, Divisional Police Complaint Authority, Nashik for the consideration of the Government at the earliest.

Rahul Kulkarni

(Rahul Kulkarni)
Joint Secretary, Govt.of Maharashtra



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ६, अंक २२(१०)]

बुधवार, जून २५, २०१४/आषाढ ४, शके १९३६

[पृष्ठे १४, किंमत : रुपये २७.००

असाधारण क्रमांक ७६

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Police (Amendment and Continuance) Act, 2014 (Mah. Act No. XXIV of 2014), is hereby Published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

H. B. PATEL,
Principal Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. XXIV OF 2014.

(First Published, after having received the assent of the Governor in the
"Maharashtra Government Gazette", on the 25th June 2014).

An Act further to amend the Maharashtra Police Act.

WHEREAS the Governor of Maharashtra had, with a view further to
amend the Maharashtra Police Act, promulgated the Maharashtra Police
1951. (Amendment) Ordinance, 2014, on the 1st February 2014 (hereinafter
Mah. Ord. III referred to as "the said Ordinance");
of 2014.

AND WHEREAS upon the re-assembly of the State Legislature on the
24th February 2014, a Bill for converting the said Ordinance into an Act of
the State Legislature was introduced in the Maharashtra Legislative
Assembly as L. A. Bill No. III of 2014, on the 24th February 2014;

AND WHEREAS the said Bill could not be passed by the State Legislature,
as the session of the State Legislature was prorogued on the 28th February
2014;

AND WHEREAS as provided by article 213(2)(a) of the Constitution of India, the said Ordinance would have ceased to operate after the 6th April 2014, the date on which the period of six weeks from the date of re-assembly of the State Legislature would have expired ;

AND WHEREAS it was considered expedient to continue the operation of the provisions of the said Ordinance ;

AND WHEREAS both Houses of the State Legislature were not in session and the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action to continue the operation of the provisions of the said Ordinance, for the purposes hereinafter appearing ; and, therefore, promulgated the Maharashtra Police (Amendment and Continuance) Ordinance, 2014, on the 5th April 2014 ;

Mah.
Ord. VIII
of 2014.

AND WHEREAS, it is expedient to replace the said Ordinance by an Act of the State Legislature ; it is hereby enacted in the Sixty-fifth Year of the Republic of India as follows :—

Short title and commencement. 1. (1) This Act may be called the Maharashtra Police (Amendment and Continuance) Act, 2014.

(2) It shall be deemed to have come into force on the 1st February 2014.

Amendment of section 2 of XXII of 1951. 2. In section 2 of the Maharashtra Police Act (hereinafter referred to as "the principal Act"),—

XXII of 1951.

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

“(1A) “Competent Authority” means the Competent Authority mentioned in section 22N ; ” ;

(b) after clause (6), the following clauses shall be inserted, namely :—

“(6A) “General Transfer” means posting of a Police Personnel in the Police Force from one post, office or Department to another post, office or Department in the month of April and May of every year, after completion of normal tenure of two years ;

“(6B) “Mid-term Transfer” means transfer of a Police Personnel in the Police Force other than the General Transfer ; ” ;

(c) after clause (10), the following clause shall be inserted, namely :—

“(10A) “Police Establishment Board No. 1”, “Police Establishment Board No. 2”, “Police Establishment Board at Range Level” and “Police Establishment Board at Commissionerate Level” means the Boards constituted under sections 22C, 22E, 22G and 22I, respectively ; ” ;

(d) after clause (11), the following clauses shall be inserted, namely :—

“(11A) “Police Personnel” means any member of the Police Force appointed or deemed to be appointed under this Act ;

“(11B) “post” means any post created on the establishment of Director General and Inspector General of Police and includes the posts assigned for Police Personnel on State or Central deputation ; ” ;

(e) after clause (14), the following clauses shall be inserted, namely :—

“(14A) “section” means section of this Act ;

“(14B) “State Government” means the Government of Maharashtra ;

(14C) "State Police Complaints Authority" and "Division Level Police Complaints Authority" means the Authorities constituted under sections 22P and 22S, respectively;

(14D) "State Security Commission" means the State Security Commission constituted under section 22B ; ".

3. In section 6 of the principal Act, after sub-section (1), the following sub-sections shall be inserted, namely :—

Amendment of
section 6 of
XXII of 1951.

"(1A) The Director General and Inspector General of Police shall be selected by the State Government from amongst the four senior most Police Officers from the Cadre, on the basis of their length of service, very good record, range of experience, integrity and professional ability for heading the Police Force.

(1B) Once appointed, the Director General and Inspector General of Police shall have a minimum tenure of at least two years, subject to his age of superannuation. The Director General and Inspector General of Police may, however, be relieved of his responsibility by the State Government consequent upon any action taken against him under the All India Services (Discipline and Appeal) Rules, 1969 or following his conviction in a court of law or in a case of corruption, or guilty of gross dereliction of his duty or if he is otherwise incapacitated from discharging his duty. ".

4. After section 22A of the principal Act, the following Chapter shall be inserted, namely :—

Insertion of
Chapter II-A in
XXII of 1951.

"CHAPTER II-A
STATE SECURITY COMMISSION, POLICE ESTABLISHMENT
BOARDS AND POLICE COMPLAINTS AUTHORITIES.

22B. (1) The State Government shall, by notification in the *Official Gazette*, constitute a State Security Commission for the purpose of exercising such powers and performing such functions as may be assigned to the Commission under this Act.

State Security
Commission.

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

(a) Minister in-charge of Home Department	... <i>Ex-Officio</i> Chairperson ;
(b) Leader of Opposition of State Legislative Assembly	... Member ;
(c) Chief Secretary	... Member ;
(d) Additional Chief Secretary (Home)	... Member ;
(e) Five non-official Members (to be nominated by the State Government)	... Member ;
(f) Director General and Inspector General of Police	... Member- Secretary.

(3) On the constitution of the State Security Commission under sub-section (1), the erstwhile State Security Commission constituted by the Home Department under the Government Resolution, dated the 10th July 2013 shall cease to exist :

Provided that, the recommendations and reports made by the erstwhile State Security Commission shall continue to operate as if the same are made by the State Security Commission constituted under this Act.

(4) No person shall be nominated as a non-official member of the State Security Commission if he,—

(a) is not a Citizen of India ; or

(b) has been convicted by a court of law or against whom criminal charges have been framed by a court of law; or

(c) has been dismissed or removed from the Government service, Semi-Government or private service or compulsorily retired on the grounds of corruption or inefficiency or moral turpitude or any kind of misconduct ; or

(d) has been debarred from holding any public office or from contesting any election ; or

(e) holds or has held any political office, including that of member of Parliament or State Legislature or a local body, or is or was an office-bearer of any political party or any organization connected with a political party ; or

(f) is of unsound mind.

(5) While nominating non-official members under clause (e) of sub-section (2), care must be taken to ensure that the representation be given to all sections of the society. Out of the members so nominated, at least one shall be a woman and one shall be from the persons belonging to the Backward Class. The non-official members may be broadly from the following disciplines :—

(a) academician, liberal arts, communication or media ;

(b) science and technology especially in the field of Information Technology, surveillance or security related technology ;

(c) eminence in the legal field ;

(d) corporate governance;

(e) non-Government organizations working in the field of women and child development, social justice, tribal development, rural development or urban development.

Explanation.—For the purposes of this sub-section, the expression “Backward Class” means the Scheduled Castes, Scheduled Tribes, Denotified Tribes (*Vimukta Jatis*), Nomadic Tribes, Special Backward Category and Other Backward Classes.

(6) The non-official members nominated under clause (e) of sub-section (2) may be removed by the Chairperson of the State Security Commission on any of the following grounds, namely :—

(a) proven incompetence ;

(b) proven misbehaviour or misuse or abuse of powers ;

(c) failure to attend three consecutive meetings of the State Security Commission without sufficient cause :

Provided that, no member shall be removed under the provisions of this clause except after giving him a reasonable opportunity of being heard ;

- (d) incapacitation by reason of mental infirmity ;
- (e) otherwise becoming unable to discharge his functions as a member; or
- (f) conviction by a court of law or where charges have been framed against him by a court of law.

(7) The term of office of the non-official members of the State Security Commission shall be of two years. The other terms and conditions of such office shall be such as may be prescribed by the State Government.

(8) The State Security Commission shall exercise the powers and perform the functions as follows :-

- (a) lay down the broad policy guidelines for the functioning of the Police Force in the State including for ensuring that the Police Force always act according to the laws of the land and the Constitution of India ;
- (b) formulating broad principles for the performance of the preventive tasks and service oriented functions of the Police Force ; and
- (c) evaluation of the performance of the Police Force.

(9) The State Security Commission shall meet at least once in every quarter at such time and place and observe such procedure in regard to transact its business as the Chairperson thinks fit.

(10) The recommendations of the State Security Commission shall be advisory in nature.

22C. (1) The State Government shall, by notification in the *Official Gazette*, constitute for the purposes of this Act, a Board to be called the Police Establishment Board No. 1.

Police
Establishment
Board No.1.

(2) The Police Establishment Board No.1 shall consist of the following members, namely :-

(a) Additional Chief Secretary (Home)	...	Chairperson ;
(b) Director General and Inspector General of Police	...	Vice-Chairperson ;
(c) Director General, Anti-Corruption Bureau	...	Member ;
(d) Commissioner of Police, Mumbai	...	Member ;
(e) Additional Director General and Inspector General of Police (Establishment)	...	Member-Secretary ;

Provided that, if none of the aforesaid members is from the Backward Class, then the State Government shall appoint an additional member of the rank of the Additional Director General and Inspector General of Police belonging to such Class.

Explanation.—For the purposes of this sub-section, the expression “Backward Class” means the Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Special Backward Category and Other Backward Classes.

22D. The Police Establishment Board No. 1 shall perform the following functions, namely :—

Functions of
Police
Establishment
Board No. 1.

(1) Subject to the provisions of this Act, the Board constituted under sub-section (1) of section 22C may, make appropriate recommendations to the State Government regarding the service conditions of Police Officers excluding salary and allowances.

(2) In particular and without prejudice to the generality of the foregoing functions, the Board may perform all or any of the following functions, namely :—

(a) to advise and make recommendations to the State Government regarding the posting and transfer of Police Officers;

(b) to make appropriate recommendations to the State Government in respect of grievances received by the said Board from Police Officers regarding their promotions, disciplinary proceedings and other service matters.

(3) The Board shall perform such other functions as may be assigned to the Board by the State Government, from time to time.

Explanation.—For the purposes of this section, the expression “Police Officer” means a Police Officer of and above the rank of Deputy Superintendent of Police.

Police Establishment Board No. 2. **22E.** (1) The State Government shall, by notification in the *Official Gazette*, constitute for the purposes of this Act, a Board to be called the Police Establishment Board No. 2.

(2) The Police Establishment Board No. 2 shall consist of the following members, namely:—

- (a) Director General and Inspector General of Police ... Chairperson ;
- (b) Director General, Anti-Corruption Bureau ... Member ;
- (c) Commissioner of Police, Mumbai ... Member ;
- (d) Additional Director General and Inspector General of Police (Law and Order) ... Member ;
- (e) Secretary or Principal Secretary, as the case may be (Appeal and Security) ... Member ;
- (f) Additional Director General and Inspector General of Police (Establishment) ... Member-Secretary :

Provided that, if none of the aforesaid members is from the Backward Class, then the State Government shall appoint an additional member of the rank of the Additional Director General and Inspector General of Police belonging to such Class.

Explanation.— For the purposes of this sub-section, the expression “Backward Class” means the Scheduled Castes, Scheduled Tribes, Denotified Tribes (*Vimukta Jatis*), Nomadic Tribes, Special Backward Category and Other Backward Classes.

Functions of Police Establishment Board No. 2. **22F.** The Police Establishment Board No. 2 shall perform the following functions, namely :—

(1) Subject to the provisions of this Act, the Board constituted under sub-section (1) of section 22E may, make appropriate recommendations to the Competent Authority concerned, regarding the service conditions of Police Officers excluding salary and allowances. The Competent Authority shall normally act upon them.

(2) In particular and without prejudice to the generality of the foregoing functions, the Board may perform all or any of the following functions, namely :—

- (a) to decide posting and transfer of Police Officers ;
- (b) to make appropriate recommendations to the Competent Authority concerned, in respect of the grievances received by the Board from Police Officers regarding their promotions, disciplinary proceedings and other service matters ;
- (c) the Board shall perform such other functions as may be assigned to the Board by the State Government, from time to time.

(3) Notwithstanding anything contained in clauses (1) and (2), the State Government may, from time to time, give directions in public interest and administrative exigencies in respect of postings, transfers and disciplinary matters relating to the Police Officers and such directions shall be binding on the Board.

Explanation.— For the purposes of this section, the expression “Police Officer” means a Police Officer of and below the rank of the Police Inspector.

22G. (1) The State Government shall, by notification in the *Official Gazette*, constitute for the purposes of this Act, a Board to be called the Police Establishment Board at Range Level.

Police
Establish-
ment
Board at
Range Level.

(2) The Police Establishment Board at Range Level shall consist of the following members, namely :—

- (a) Range Inspector General of Police ... Chairperson;
- (b) Two senior-most Superintendents of Police within the Range ... Member;
- (c) The Reader (Deputy Superintendent of Police), in the office of the Range Inspector General of Police ... Member-Secretary:

Provided that, if none of the aforesaid members is from the Backward Class, then the State Government shall appoint an additional member of the rank of the Superintendent of Police belonging to such Class.

Explanation.—For the purposes of this sub-section, the expression “Backward Class” means the Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Special Backward Category and Other Backward Classes.

22H. The Police Establishment Board at Range Level shall perform the following functions, namely :—

Functions of
Police Establish-
ment Board at
Range Level.

(a) The Board shall decide all transfers, postings and other service related matters of Police Officers of the rank of Police Sub-Inspector to Police Inspector within the Range.

(b) The Board shall be authorized to make appropriate recommendations to the Police Establishment Board No. 2, regarding the postings and transfers out of the Range, of the Police Officers of the rank of Police Sub-Inspector to Police Inspector.

Explanation.—For the purposes of this section, the expression “Police Officer” means a Police Officer of the rank of Police Sub-Inspector to Police Inspector.

22I. (1) The State Government shall, by notification in the *Official Gazette*, constitute for the purposes of this Act, a Board to be called the Police Establishment Board at Commissionerate Level.

(2) The Police Establishment Board at Commissionerate Level shall consist of the following members, namely :—

- (a) Commissioner of Police ... Chairperson ;
- (b) Two senior-most officers in the rank of Joint Commissioner or Additional Commissioner or Deputy Commissioner of Police ... Member ;
- (c) Deputy Commissioner of Police (Head Quarter) ... Member-Secretary :

Provided that, if none of the aforesaid members is from the Backward Class, then the State Government shall appoint an additional member of the rank of the Deputy Commissioner of Police belonging to such Class.

Explanation.—For the purposes of this sub-section, the expression “Backward Class” means the Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Special Backward Category and Other Backward Classes.

22J. The Police Establishment Board at Commissionerate Level shall perform the following functions, namely :—

(a) The Board shall decide all transfers, postings and other service related matters of Police Officers of the rank of Police Sub-Inspector to Police Inspector within the Commissionerate.

(b) The Board shall be authorized to make appropriate recommendations to the Police Establishment Board No. 2 regarding the postings and transfers out of the Commissionerate, of the Police Officers of the rank of Police Sub-Inspector to Police Inspector.

Explanation.—For the purposes of this section, the expression “Police Officer” means a Police Officer of the rank of Police Sub-Inspector to Police Inspector.

22K. While performing the functions under this Act, the Police Establishment Board No. 1, Police Establishment Board No. 2, Police Establishment Board at Range Level and Police Establishment Board at Commissionerate Level, shall comply with and follow all the provisions of law including rules and regulations as may be in force, from time to time.

22L. On the constitution of the Police Establishment Board No. 1, Police Establishment Board No. 2, Police Establishment Board at Range Level and Police Establishment Board at Commissionerate Level under this Act, the erstwhile Police Establishment Boards constituted by the Home Department under the Government Resolution, dated the 15th July 2013 shall cease to exist :

Provided that, the decisions and recommendations made by the respective erstwhile Police Establishment Boards shall continue to operate as if the

same are made by the respective Police Establishment Boards constituted under this Act.

22M. Nothing contained in this Act shall affect the power of the State Government or any other Competent Authority in respect of all matters relating to disciplinary action against any Police Officer of whatsoever rank.

Power of State Government not to be affected.

22N. (1) Any Police Personnel in the Police Force shall have a normal tenure of two years on one post or office, subject to the promotion or superannuation. The Competent Authority for the general transfer shall be as follows, namely :—

Normal tenure of Police Personnel, and Competent Authority.

Police Personnel	Competent Authority
(a) Officers of the Indian Police Service	... Chief Minister ;
(b) Maharashtra Police Service Officers of and above the rank of Deputy Superintendent of Police	... Home Minister ;
(c) Officers upto Police Inspector	(a) Police Establishment Board No.2. (b) Police Establishment Board at Range Level. (c) Police Establishment Board at Commissionerate Level :

Provided that, the State Government may transfer any Police Personnel prior to the completion of his normal tenure, if,—

- (a) disciplinary proceedings are instituted or contemplated against the Police Personnel ; or
- (b) the Police Personnel is convicted by a court of law ; or
- (c) there are allegations of corruption against the Police Personnel ; or
- (d) the Police Personnel is otherwise incapacitated from discharging his responsibility ; or
- (e) the Police Personnel is guilty of dereliction of duty.

(2) In addition to the grounds mentioned in sub-section (1), in exceptional cases, in public interest and on account of administrative exigencies, the Competent Authority shall make mid-term transfer of any Police Personnel of the Police Force :

Provided that, the Competent Authority may, by general or special order, delegate its powers under this sub-section to any of its subordinate authority.

Explanation.— For the purposes of this sub-section, the expression “ Competent Authority ” shall mean :—

Police Personnel	Competent Authority
(a) Officers of the Indian Police Service	... Chief Minister ;

- (b) Maharashtra Police Service
Officers of and above the rank
of Police Sub-Inspector ... Home Minister ;
- (c) Police Personnel upto the
rank of Assistant Police
Sub-Inspector ... Director General and
Inspector General of Police.

Separation of **22O.** (1) The crime branch or local crime branch and detection or investigation cells in each police station shall concentrate on investigation of crimes exclusively and shall not be entrusted with law and order, security and other duties, ordinarily.

(2) The Unit Commanders shall ensure the co-ordination between the investigation or detection wing and the law and order and other wings of each Unit.

22P. (1) The State Government shall, by notification in the *Official Gazette*, constitute for the purposes of this Act, an Authority to be called the State Police Complaints Authority.

(2) The State Police Complaints Authority shall consist of the following members, namely :—

- (a) A retired High Court
Judge ... Chairperson ;
- (b) A Police Officer superannuated
in the rank not below the rank
of Special Inspector General of
Police ... Member ;
- (c) A person of eminence from
the civil society ... Member ;
- (d) A retired officer not below
the rank of Secretary to the
State Government ... Member ;
- (e) Officer not below the rank
of Additional Director General ... Member-
and Inspector General of Police Secretary.

(3) On the constitution of the State Police Complaints Authority under this Act, the erstwhile State Police Complaints Authority constituted by the Home Department under the Government Resolution, dated the 15th July 2013 shall cease to exist :

Provided that, the complaints and inquiries pending before the erstwhile State Police Complaints Authority shall continue to operate as if such complaints or inquiries are pending with the State Police Complaints Authority constituted under this Act and the recommendations made by the erstwhile State Police Complaints Authority shall continue to operate as if the same are made by the State Police Complaints Authority constituted under this Act.

(4) The Chairperson of the State Police Complaints Authority shall be chosen by the State Government out of a panel of names proposed by the Chief Justice of the High Court.

22Q. (1) The State Police Complaints Authority shall exercise the powers and perform the functions as follows :—

(a) inquire *suo-moto* or on a complaint against Police Officers presented to it by,—

(i) a victim or any member of his family or any other person on his behalf;

(ii) the National or State Human Rights Commission; and

(iii) the police,

into the complaint of,—

(i) death in police custody;

45 of 1860.

(ii) grievous hurt as defined under section 320 of the Indian Penal Code ;

(iii) rape or attempt to commit rape;

(iv) arrest or detention without following the prescribed procedure;

(v) corruption;

(vi) extortion;

(vii) land or house grabbing; and

(viii) any other matter involving serious violation of any provision of law or abuse of lawful authority;

(b) 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 inquiry.

(2) The members of the State Police Complaints Authority shall work for the Authority on a whole time basis. The salary or honorarium and other allowances payable to, and the other terms and conditions of service of the non-official members of the State Police Complaints Authority shall be such as may be prescribed by the State Government.

(3) The term of office of a member of the State Police Complaints Authority shall be of three years.

5 of 1908.

(4) The State Police Complaints Authority shall, while inquiring into any of the matters referred to in sub-section (1) have all the powers of a civil court while trying a civil suit under the Code of Civil Procedure, 1908, in respect of the following matters:—

(a) summoning and enforcing the attendance of witnesses and examining them on oath ;

(b) requiring the discovery and production of any document;

(c) receiving evidence on affidavits ;

(d) requisitioning any public record or copy thereof from any court or office ;

(e) issuing Commissions for the examination of witnesses or documents; and

(f) such other matters as may be prescribed by the State Government.

(5) The State Police Complaints Authority shall have the power to require any person, subject to legal privilege to furnish information on such points or matters as, in the opinion of the State Police Complaints 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.

45 of 1860.

(6) Notwithstanding anything contained in this Act, the State Police Complaints Authority shall be deemed to be a civil court, and when any offence as defined in section 175, 178, 179, 180 or 228 of the Indian Penal Code is committed in view of or in the presence of the Authority, the Authority may cause the offender to be detained in custody and may, at any time before the rising of the Authority on the same day, take cognizance of the offence and, after giving the offender a reasonable opportunity of showing cause why he should not be punished under this section, sentence the offender to fine not exceeding two hundred rupees and, in default of payment of fine, to simple imprisonment for a term which may extend to one month, unless such fine be sooner paid. If the State Police Complaints Authority in any case considers that a person accused of any of the offences referred to in section 345 of the Code of Criminal Procedure, 1973, and committed in its view or presence should be imprisoned otherwise than in default of payment of fine, or that a fine exceeding two hundred rupees should be imposed upon him, or such State Police Complaints Authority is, for any other reason, of opinion that the case should not be disposed of under section 345 of the Code of Criminal Procedure, 1973, such State Police Complaints Authority, after recording the facts constituting the offence and the statement of the accused as hereinbefore provided, may forward the case to a Magistrate having jurisdiction to try the same, and may require security to be given for the appearance of such person before such Magistrate, or if sufficient security is not given shall forward such person in custody to such Magistrate. The Magistrate to whom any such case is forwarded shall proceed to deal with, as far as may be, as if it were instituted on a police report.

(7) Every proceeding before the State Police Complaints Authority shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228, and for the purpose of section 196 of the Indian Penal Code, the State Police Complaints Authority shall be deemed to be a civil court for all the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973.

(8) The State Police Complaints Authority shall have the power to advise the State Government on measures to ensure protection of witnesses, victims and their families who might face any threat or harassment for making the complaint or for furnishing evidence.

(9) Any member of the State Police Complaints Authority as may be authorized by the Chairperson in writing may visit any police station, lock-up, or any other place of detention used by the police and, if he thinks fit, he may be accompanied by a Police Officer.

(10) The State Police Complaints Authority may, for the purpose of field inquiry direct any person as it deems fit to inquire into the subject matter of inquiry and submit a report to the Authority.

Report to be submitted to State Government. **22R.** (1) The State Police Complaints Authority shall, after completing the inquiry, submit a report to the State Government within such time as may be prescribed by the State Government.

(2) On receipt of the report from the State Police Complaints Authority, the State Government shall take any of the following steps :—

(a) The State Government shall accept the report and act on the same unless the State Government exercises power of rejecting the report as specified in sub-section (3).

45 of 1860.

2 of 1974.

2 of 1974.

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1974.

(b) Treat the same as a preliminary inquiry for the purpose of instituting disciplinary proceedings and thereafter the State Government or the Competent Authority, as the case may be, shall direct institution of disciplinary proceedings against the delinquent Police Officer.

(c) If the report of the State Police Complaints Authority discloses a *prima facie* case of commission of a cognizable offence, the State Government shall forward the same to the concerned Police Station and thereupon the same may be recorded as First Information Report under section 154 of the Code of Criminal Procedure, 1973.

(3) Notwithstanding anything contained in this Act, the State Government may reject the report of the State Police Complaints Authority in exceptional cases for reasons to be recorded in writing.

(4) In the event of the State Government rejecting the report of the State Police Complaints Authority, it may require the State Police Complaints Authority to hold further inquiry in the matter and submit a fresh report in that behalf.

Explanation.— For the purposes of section 22Q and this section, the expression “Police Officer” means the Police Officer of the rank of Deputy Superintendent of Police or Assistant Commissioner of Police and above.

22S. (1) The State Government shall, by notification in the *Official Gazette*, constitute for the purposes of this Act, an Authority to be called the Division Level Police Complaints Authority.

Division Level
Police
Complaints
Authority.

(2) The Division Level Police Complaints Authority shall consist of the following members, namely :—

(a) A retired Principal District Judge	... Chairperson ;
(b) A Police Officer superannuated not below the rank of Superintendent of Police	... Member ;
(c) Deputy Commissioner of Police (Headquarter)	... Member ;
(d) A person of eminence from the civil society	... Member ;
(e) An officer of the rank of Deputy Superintendent of Police or equivalent	... Member-Secretary.

(3) On constitution of the Division Level Police Complaints Authority under sub-section (1), the erstwhile District Police Complaints Authority constituted by the Home Department under the Government Resolution, dated the 15th July 2013 shall cease to exist.

(4) The provisions of sections 22P, 22Q and 22R regarding the continuance of complaints or inquiries and recommendations, appointment of Chairpersons, powers and functions of the State Police Complaints Authority and submission of its report to the State Government, respectively, shall, *mutatis mutandis*, apply to the Division Level Police Complaints Authority.

22T. (1) Notwithstanding anything contained in this Act, whoever makes any false or frivolous complaint against Police Officer under this Chapter, shall, on conviction, be punished with an imprisonment of either description of a term which may extend to two years or with fine or with both and if such proceeding be instituted on a false charge of an offence punishable with death, imprisonment for life or imprisonment for seven years or upwards, shall be punishable with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Prosecution
for false
complaint
against Police
Officer.

(2) For taking cognizance of an offence under sub-section (1) by the court, the provisions of section 195 of the Code of Criminal Procedure, 1973 shall, ^{2 of 1974.} *mutatis mutandis*, apply.

(3) In case of conviction of a person for having made a false or frivolous complaint under this Act, such person shall be liable to pay to the concerned Police Officer against whom he has made the false or frivolous complaint, in addition to the legal expenses for contesting the case, a compensation which the Court trying the case under sub-section (2) may determine.

(4) Nothing contained in this section shall apply in case of complaints made in good faith.

Explanation.— For the purposes of this section, the expression “ good faith ” shall have the same meaning assigned to it in section 52 of the Indian Penal Code. ^{45 of 1860.}

^{Repeal of Mah. Ord. VIII of 2014 and saving.} **5.** (1) The Maharashtra Police (Amendment and Continuance) Ordinance, 2014, is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the corresponding provisions of the principal Act, as amended by the said Ordinance, shall be deemed to have been done, taken or issued, as the case may be, under the corresponding provisions of the principal Act, as amended by this Act.

^{Power to remove difficulty.} **6.** (1) If any difficulty arises in giving effect to the provisions of the principal Act, as amended by this Act, the State Government may, by order published in the *Official Gazette*, give such directions, not inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for the purpose of removing the difficulty :

Provided that, no such order shall be made after the expiry of the period of two years from the date of commencement of this Act.

(2) Every order made under sub-section (1) shall be laid, as soon as may be, after it is made, before each House of the State Legislature.

HOME DEPARTMENT

Madam Cama Marg, Hutatma Rajguru Chowk, Mantralaya
Mumbai 400 032, dated the 17th November 2016

NOTIFICATION

MAHARASHTRA POLICE ACT.

No. MIS.3615/C.R. 05(A)/POL-14.—In exercise of the powers conferred by sub-section (2) of section 22Q of the Maharashtra Police Act (XXII of 1951), and of all other powers enabling it in this behalf, the Government of Maharashtra hereby makes the following rules for the salary or honorarium and other allowances payable to and other terms and conditions of service of the non-official members of the State Police Complaint Authority, namely :—

1. *Short Title.*— These rules may be called the Maharashtra State Police Complaint Authority (Conditions of Service) Rules, 2016.
2. *Definitions.*— (1) In these Rules unless the context otherwise requires,—
 - (a) “Act” means the Maharashtra Police Act (XXII of 1951) ;
 - (b) “Authority” means the Maharashtra State Police Complaint Authority constituted under section 22P of the Act ;
 - (c) “Chairperson” means the Chairperson of the Authority ;
 - (d) “Member” means a Member of the Authority ;
 - (e) “State Government” or “Government” means the Government of Maharashtra.
 (2) Words and expressions used hereinabove but not defined shall have the same meaning respectively assigned to them in the Act.
3. *Headquarter.*— The Headquarter of the Authority shall be at Mumbai.
4. *Salary and allowances of Chairperson and Members of the Authority.*— (1) The salary and allowances payable to the Chairperson and Member shall be as provided in the table below,—

TABLE

(1)	Chairperson (2)	Member (3)
Salary	74,000 rupees per month	59,000 rupees per month
Fixed allowance	50,000 rupees per month	15,000 rupees per month
House Rent Allowance	22,200 rupees per month	17,700 rupees per month
Vehicle Allowance	40,000 rupees per month	40,000 rupees per month
Medical Allowance	4,000 rupees per month	4,000 rupees per month
Leave Travel Allowance	2,000 rupees per month	2,000 rupees per month
Total	1,92,200 rupees per month	1,37,700 rupees per month

Provided that, if the Chairperson or Member immediately before the date of his appointment was in receipt of or being eligible so to do, had elected to draw a pension or wound pension, in respect of any previous service under the Government of the Union or State Government, then his salary in respect of service as the Chairperson or Member shall be reduced,—

(i) by the amount of such pension,

(ii) if he had, before assuming office, received in lieu of a portion of pension due to him in respect of such previous service, the commuted value thereof, by the amount of that portion of the pension ; and

(iii) by any other form of retirement benefits, being drawn or availed of or to be drawn or availed by him.

5. *Leave.*— (1) The Chairperson and Member shall be entitled to thirty days of earned leave for every completed calendar year of service or a part thereof.

(2) The Chairperson and Member shall be entitled to half pay leave on medical certificate or on private affairs at the rate of twenty days in respect of each completed year of service and the leave salary for half pay leave equivalent to half of the leave salary admissible during the earned leave.

(3) Leave on half pay can be commuted to full pay leave at the discretion of the Chairperson and Member, provided it is taken on medical grounds and supported by a medical certificate from the competent medical authority.

(4) The Chairperson and Member shall be entitled to extraordinary leave without pay and allowances, maximum of one hundred eight days in one term of office.

(5) On the expiry of the term of his office, the Chairperson and Member shall be entitled to encashment of earned leave standing to his credit.

6. *Leave Sanction Authority.*— The Leave Sanction Authority in case of,—

(i) the Chairperson shall be the Government, and

(ii) the Member shall be the Chairperson.

7. *Travelling allowances.*— The Chairperson and Member, while on tour (including the journey undertaken to join the State Commission or on the expiry of his term with the State Commission to proceed to his home town) shall be entitled to travel allowances, allowances of transportation of personal effects and other daily allowance at the same scale and at the same rate as are admissible to a Judge of High Court.

8. *Resignation.*— The Chairperson or Member may, by writing under his hand addressed to the Government, resign his office and the resignation shall take effect,—

(i) on the day it is accepted by the Government, or

(ii) on the expiry of three months from the date of such application, unless otherwise withdrawn by the Chairperson or Member, whichever is earlier.

9. *Proceedings of Authority.*— (1) A vacancy in the office of any Member of the Authority shall not invalidate the proceeding of the Authority.

(2) When the Chairperson is unable to discharge his functions owing to absence, illness or any other cause, the senior-most (in order of appointment) Member of the Authority holding office for the time being shall discharge the functions of the Chairperson until the day on which the Chairperson resumes the charge of his functions.

(3) If any vacancy occurs in the office of the Chairperson by reason of his death or resignation, the State Government shall nominate Senior most Member as per seniority having regard to the date of appointment, to act as Chairperson and the Member so nominated shall hold office of Chairperson until the vacancy is filled by a fresh appointment.

10. *Regulations.*— The Authority may with the previous approval of the Government, make regulations, consistent with the Act and the rules, for the administration of its affairs.

By order and in the name of the Governor of Maharashtra,

RAJNISH SETH,

Principal Secretary to Government.

HOME DEPARTMENT

Madam Cama Marg, Hutatma Rajguru Chowk
 Mantralaya, Mumbai 400 032, dated the 1st November 2017

NOTIFICATION

MAHARASHTRA POLICE ACT.

No. DPCA-0317/C.R.74/POL-14.—In exercise of the powers conferred by sub-section (2) of section 22Q read with sub-section (4) of section 22S of the Maharashtra Police Act (XXII of 1951), and of all other powers enabling it in this behalf, the Governor of Maharashtra hereby makes the following rules, for the salary or honorarium and other allowances payable to and other terms and conditions of service of the non-official members of the Divisional Police Complaint Authority, namely :—

1. *Short Title.*—These rules may be called the Maharashtra Divisional Police Complaint Authority (Conditions of Service) Rules, 2017.

2. *Definitions.*—(1) In these Rules, unless the context otherwise requires,—

(a) "Act" means the Maharashtra Police Act (XXII of 1951);

(b) "Authority" means the Divisional Police Complaint Authority constituted under section 22S of the Act;

(c) "Chairperson" means the Chairperson of the Divisional Police Complaint Authority;

(d) "Division" means Revenue Divisions of State Government situated at Amravati, Aurangabad, Nasik, Nagpur, Pune and Navi Mumbai;

(e) "Member" means a Member of the Divisional Police Complaint Authority;

(f) "State Government" or "Government" means the Government of Maharashtra.

(2) Words and expressions used hereinabove but not defined shall have the same meaning respectively assigned to them in the Act.

3. *Headquarter.*—The Headquarter of the Divisional Police Complaint Authority shall be at the place where Headquarter of Divisional Commissioner is situated.

4. *Salary and allowances of Chairperson and Members of the Authority.*—(1) The salary and allowances payable to the Chairperson and Member shall be as provided in the table below,—

TABLE

	Chairperson	Member
Salary	35,000 rupees per month	20,000 rupees per month
Fixed allowance	12,000 rupees per month	5,000 rupees per month
House Rent Allowance	12,000 rupees per month	10,000 rupees per month
Vehicle Allowance	35,000 rupees per month	35,000 rupees per month
Medical Allowance	4,000 rupees per month	4,000 rupees per month
Leave Travel Allowance	2,000 rupees per month	2,000 rupees per month
Total	1,00,000 rupees per month	76,000 rupees per month

Provided that, if the Chairperson or Member immediately before the date of his appointment was in receipt of or being eligible so to do, had elected to draw a pension or wound pension, in respect of any previous service under the Government of the Union or State Government, then his salary in respect of service as the Chairperson or Member shall be reduced,—

(i) by the amount of such pension,

(ii) if he had, before assuming office, received in lieu of a portion of pension due to him in respect of such previous service, the commuted value thereof, by the amount of that portion of the pension; and

(iii) by any other form of retirement benefits, being drawn or availed of or to be drawn or availed by him.

5. Leave.—(1) The Chairperson and Member shall be entitled to thirty days of earned leave for every completed calendar year of service or a part thereof.

(2) The Chairperson and Member shall be entitled to half pay leave on medical certificate or on private affairs at the rate of twenty days in respect of each completed year of service and the leave salary for half pay leave equivalent to half of the leave salary admissible during the earned leave.

(3) Leave on half pay can be commuted to full pay leave at the discretion of the Chairperson and Member, provided it is taken on medical grounds and supported by a medical certificate from the competent medical authority.

(4) The Chairperson and Member shall be entitled to extraordinary leave without pay and allowances, maximum of one hundred eight days in one term of office.

(5) On the expiry of the term of his office, the Chairperson and Member shall be entitled to encashment of earned leave standing to his credit.

6. Leave Sanction Authority.—The Leave Sanction Authority in case of,-

(i) The Chairperson shall be the Government, and

(ii) The Member shall be the Chairperson.

7. Travelling allowances.—The Chairperson and Member, while on tour (including the journey undertaken to join the Authority or on the expiry of his term with the Authority to proceed to his home town) shall be entitled to travel allowances, allowances of transportation of personal effects and other daily allowance at the same scale and at the same rate as are admissible to a District Judge.

8. Resignation.—The Chairperson or Member may, by writing under his hand addressed to the Government, resign his office and the resignation shall take effect,-

(i) on the day it is accepted by the Government, or

(ii) on the expiry of three months from the date of such application, unless otherwise withdrawn by the Chairperson or Member, whichever is earlier.

9. Proceedings of Authority.—(1) A vacancy in the office of any Member of the Authority shall not invalidate the proceeding of the Authority.

(2) When the Chairperson is unable to discharge his functions owing to absence, illness or any other cause, the senior-most (in order of appointment) Member of the Authority holding office for the time being shall discharge the functions of the Chairperson until the day on which the Chairperson resumes the charge of his functions.

(3) If any vacancy occurs in the office of the Chairperson by reason of his death or resignation, the State Government shall nominate Senior most Member as per seniority having regard to the date of appointment, to act as Chairperson and the Member so nominated shall hold office of Chairperson until the vacancy is filled by a fresh appointment.

10. Regulations.—The Government may make regulations, consistent with the Act and the rules, for the administration of its affairs.

By order and in the name of the Governor of Maharashtra,

V. M. BHAT,
Deputy Secretary to Government.



महाराष्ट्र शासन राजपत्र

असाधारण भाग चार-ब

वर्ष ४, अंक १०४]

शुक्रवार, ऑगस्ट १०, २०१८/श्रावण १९, शके १९४०

[पृष्ठ १०, किंमत : रुपये ९.००

असाधारण क्रमांक २९५

प्राधिकृत प्रकाशन

महाराष्ट्र शासनाने महाराष्ट्र अधिनियमान्वये तयार केलेले

(भाग एक, एक-अ आणि एक-ल यांमध्ये प्रसिद्ध केलेले नियम व आदेश यांव्यातिरिक्त) नियम व आदेश.

HOME DEPARTMENT

2nd Floor, Main Building, Hutatma Rajguru Chowk,
Madam Cama Road, Mantralaya, Mumbai 400 032,
dated 31st July 2018.

NOTIFICATION

MAHARASHTRA DIVISIONAL POLICE COMPLAINTS AUTHORITY (CONDITIONS OF SERVICE) RULES, 2017.

No. DPCA-0118/CR-12/Pol-14.—In pursuance of rule 10 of the Maharashtra Divisional Police Complaint Authority (Condition of Service) Rules, 2017, the Government of Maharashtra makes the following regulations for regulating the conduct of business of Division Level Police Complaints Authority, namely :—

1. *Short Title and Commencement.*—These Regulations may be called Maharashtra Division Level Police Complaint Authority (Administration and Procedure) Regulations, 2018.

2. *Definitions.*—(1) In these Regulations, unless the context otherwise requires,—

(a) "Act" means the Maharashtra Police Act, 1951 ;

(b) "Authority" means the Division Level Police Complaints Authorities as established at Nashik, Pune, Aurangabad, Nagpur, Amravati and Konkan under section 22 S of the Act ;

(c) "Chairperson" means the Chairperson of the Division Level Police Complaint Authority appointed under sub-section (2) of section 22 S of the Act ;

(d) "Code" means the Code of Civil Procedure, 1908 (V of 1908), in its application to the State of Maharashtra ;

(e) "complainant" means a victim or a person by whom or on whose behalf a complaint is made under this Act ;

(f) "complaint" means a complaint about misconduct, taken cognizance by the Division Level Police Complaint Authority under the Act ;

(g) "Division Bench" means a Bench consisting of two members of the Division Level Police Complaints Authority as constituted by the Chairperson ;

(h) "Enquiry" means an enquiry instituted as per procedure specified in Regulation 7 of these Regulations ;

(i) "Full Bench" means a Bench consisting of three or more Members of the Division Level Police Complaints Authority as constituted by the Chairperson ;

(j) "Government" means the Government of Maharashtra ;

(k) "Language" means the official language of the Authorities, which shall be Marathi for all practical purposes. However, exceptions may be made owing to the non-availability of Marathi knowing stenographers /personnel or according to the language of the complainant ;

(l) "Member" means a member of the Division Level Police Complaints Authority as appointed under sub-section (2) of section 22 S of the Act ;

(m) "Member-Secretary" means a police officer so appointed by the Government to be the Member-Secretary of the Division Level Police Complaints Authority as appointed under sub-section (2) of section 22 S of the Act ;

(n) "Misconduct" means any wilful breach or neglect by a police officer of any law, rule and regulation applicable to the police that adversely affect the rights of any member of public, as defined in clause (a) of sub- section(1) section 22 Q of the Act ;

(o) "Respondent" means police Constable upto the rank of senior Police Inspector against whom a complaint is lodged by the complainant ;

(p) "Section" means of a section of the Act ;

(q) "Single Bench" means a Bench consisting of one member of the Division Level Police Complaints Authority as constituted by the Chairperson ;

(r) "Unit" means a Police Commissionerate, District, specialized branch of the Police or allied departments, including but not limited to the SID, CID, ACB, SRPF and training institutions etc. ;

(2) Words and expressions used in these rules but not defined hereinabove shall have the same meaning respectively assigned to them in the Act and the Code.

3. *Place of sitting and Jurisdiction of the Authority.*—(1) Place of the sitting of the Authority shall be ordinarily be at its headquarter of respective Revenue Division. However, it may, at the discretion of the Chairperson, hold its meetings at any other place in the Division, if he considers the same necessary and expedient.

(2) The jurisdiction of the Division Level Police Complaints Authority shall be the whole of the respective Revenue Division of Maharashtra,

(3) The Division Level Police Complaints Authority shall inquire suo moto or on a complaint Police against Police Constable upto the rank of Senior Police Inspector, in respect of the matters provided on clause (a) of sub-section (1) of section 22Q.

4. *Complaints not ordinarily entertainable.*—The Authority shall dismiss, complaints of the following nature, namely,—

(a) vague, anonymous, pseudonymous, illegible, trivial or frivolous ;

(b) when the complaint is presented after one year from alleged act and/or inaction ;

(c) shall not inquire in Civil disputes, etc. except against Police Officers indulging in house or land grabbing, etc. ;

(d) relate to service matters or labour or industrial disputes ;

(e) matter is sub-judice before a court or any tribunal ;

(f) matter is covered by a judicial verdict or decision of the Tribunal or any other Judicial or Quasi-Judicial Authority ;

(g) matter is outside the purview of the Division Level Police Complaints Authority.

(h) the complaint has not been made to senior supervisory officer or one has not elapsed since filing of such complaint.

5. *Sittings and Decisions of the Authority.*—(a) Every proceeding of the Authority shall be chaired by the Chairperson with the Members in attendance.

(b) Three Members, including Chairperson shall constitute the quorum for any meeting wherein a decision is required to be taken by the Full Bench of the Authority. All the decisions shall be taken by a majority of the members of the Authority, present and voting. Dissenting opinion, if any, shall also be kept on record. However, decision will be taken on the basis of the majority opinion :

Provided that, when there is equality of votes, the person chairing the meeting shall have a second and casting vote.

(c) The absence of a Member from any meeting or a vacancy in the Authority shall not affect the continuity of the proceeding, so long as the quorum is satisfied.

(d) The Administrative Officer or any other designated person shall record minutes of every meeting of the Authority. The Administrative Officer or designated officer of the Authority shall maintain the records of the Authority.

(e) No decision of the Authority shall be held invalid only on account of technical grounds in the appointment of the Chairperson or Member.

(f) A master copy of all the approved minutes of every meeting shall be maintained by the Member Secretary or designated officer.

(g) Report of follow-up action in regard to decisions taken by the Authority shall be submitted by the Member-Secretary or designated officer at every subsequent meeting, till the decision is implemented.

6. *Procedure for filing and registering complaints.*—(1) Any person who desires an enquiry to be made by the Authority into one or more instances of "misconduct" of police personnel shall submit to the Authority, a written complaint preferably in Marathi, Hindi or English.

(2) A complaint shall be submitted on plain paper, providing all the relevant details of the instance to the extent available or shall be submitted through online digital format. No fee shall be chargeable on complaints.

(3) Every complaint so filed shall be supported by a self-attested declaration as provided in Annexure "A" appended to these Regulations, stating that all the relevant details mentioned in the complaint are true and correct on the basis of his personal knowledge.

(4) A complaint can be submitted by post or by courier or posted by email or in digital format on the website of the Authority or in person at the office of the Authority.

(5) A complainant may, if he so desires and to the extent possible supply copies of the document or records, in support of the allegations made, including,—

(a) a medical report or any certificate issued by a qualified doctor disclosing nature of injuries on the body of the victim, who had examined the victim immediately after the occurrence of the incident,

(b) photographs showing the injuries on the person of the victim or records at the time of enquiry,

(c) audio or video recordings, relating to the allegations contained in the application,

(d) relevant extract of the dairy of the police station concerned,

(e) copy of the first information report (F.I.R.), if any,

(f) copy of the memorandum of arrest,

(g) any other document considered relevant by the complainant.

The complainant can file photocopies of the documents or records mentioned in the above clauses.

(6) The Member-Secretary or designated officer of the Authority shall record a complaint case under the directions of the Authority, acting *suo-moto* in accordance with clause (a) of sub-section (1) of section 22Q of the Act or upon information received from the National Human Rights Commission (NHRC) or the State Human Rights Commission (SHRC) or the Lokayukta or the Government or any other public authority, and as contemplated under clause 22Q (1).

(7) The Member-Secretary or designated officer of the Authority shall maintain registers, in the proforma specified by the Authority, about the complaints recorded in the Authority.

(8) Screening and Referral of complaints by the Authority,-

(a) Upon registration of a complaint case, the Member-Secretary or designated officer shall place the complaint along with the supporting documents received, before the Authority within seven working days after receipt of the complaint, for further directions.

(b) The Authority shall examine the complaint and all supporting documents and determine whether the Authority have jurisdiction to enquire into the complaint or otherwise.

(c) After examination of the complaint, if the Authority is of the opinion that the subject matter of the complaint does not fall within the Authority's jurisdiction, then the Authority shall reject the complaint after recording the reasons in writing but so far as possible within fifteen days from the date of the complaint.

(d) Upon preliminary examination of the complaint, if the Authority is of the view that no *prima-facie* case is made out, it shall reject the complaint for the reasons recorded in writing, so far as within fifteen days from the registration of the complaint.

(e) If the Authority is satisfied that the complaint falls within its jurisdiction and there exists a *prima-facie* case to conduct the enquiry, then the Authority shall proceed with the enquiry under the Act and these Regulations.

(9) The Member-Secretary or designated officer of this Authority shall issue authenticated order of the Authority made under these Regulations and communicate, free of charge, a copy of the order to the complainant or representative of the complainant as the case may be.

7. *Conduct of enquiry.*—(1) Where the Authority decides to conduct an enquiry in any complaint, it shall issue notice, as per Annexure "B" appended to these Regulations, to all respective employee or officer who are related with that matter or against whom a complaint has been made.

(2) Every notice issued by the Authority to the respondent under sub- regulation (1), shall be accompanied with a copy of documents, along with supporting documents, if any, filed along with the complaint.

(3) When notice is issued under sub-clause (2) to any respondent, a copy of the same shall be sent to the Superior Officer of such Respondent.

(4) A respondent officer shall submit his reply to the Authority within thirty days of the receipt of the notice, issued under sub-regulation (1), along with supporting documents, if any, if he so desires.

(5) The Member-Secretary or designated officer of the authority shall transmit to the complainant, free of charge, copy of the reply and the copies of supporting documents received from the respondent officer within seven working day of receipt of such a reply.

(6) In case the Authority refers a complaint received to its own investigator or any other agency or officer from the purpose of conducting an enquiry, such agency shall complete the enquiry into the matter as expeditiously as possible, and submit a report along with supporting documents to the Authority within a period of sixty days.

(7) The Member-Secretary or designated officer of the authority shall transmit to the complainant, free of charge, a copy of the report received, under sub-regulation (5), within seven days from the date of receipt of the report.

(8) The Member-Secretary or designated officer of the authority shall maintain a case record and progress report of each complaint on every day of proceedings in writing.

(9) The Member-Secretary or designated officer of the authority shall maintain records of the meeting and shall obtain signature of the Chairperson and the members on the said minutes of the meeting.

8. *Issue of Notice of Hearing.*—(1) The Authority shall hold hearing of the complaint case as deemed necessary after giving due notice to the parties, including the complainant, his representative or the victim as the case may be.

(2) The Member-Secretary or designated officer shall notify all the concerned parties, the date of hearing well in advance, but at least seven days before the listing of the complaint for hearing. However, in case of urgency, the Authority may waive this period of notice and proceed at the earliest possible.

(3) When notice of hearing is issued to any Respondent, a copy of the same shall be sent to the Superior Officer of such Respondent.

(4) Every officer who has received notice of hearing under sub- regulation (3), shall immediately communicate the same to the concerned Respondent Officer and ensure that such officer is given leave or permission to attend the hearing on the stipulated date.

(5) The Authority may also call and hear any other person other than the concerned parties, as and when required.

(6) The Authority may call for concerned documents, any record or public document concerned with an enquiry from any police officer or public servant.

9. *Conduct of Hearing.*—(1) The Authority shall observe principle of natural justice in the conduct of every hearing in the enquiry.

(2) The hearing shall be conducted in the official language of the State. However, as an exception, the hearing may be conducted in Hindi or English also.

(3) The Member-Secretary or designated officer of the Authority shall maintain a record of the proceedings of every hearing.

10. *Appearance at a hearing.*—(1) The parties to a complaint shall appear at a hearing in person or through their Legal Representative.

(2) Legal representative of persons can attend a hearing by obtaining leave of the Authority, which the Authority may grant for reasons recorded in writing.

(3) The Authority may issue summons to any person (as per Annexure "C"), who has knowledge of the matter and facts relating to the complaint, to appear at a hearing for purpose of examination, obtaining evidence on oath or producing documents or record relevant to the case or both or as the case may be, as the Authority deems fit.

(4) *Time limit for completion of enquiry and grant of adjournment.*— Every enquiry initiated on the basis of a complaint received by the Authority shall be completed and submit report to the State Government, as expeditiously as possible and in any case within a period of ninety days from the date of receipt of complaint :

Provided that, the authority shall not grant more than three adjournments to respondent officer or complainant, during the pendency of a complaint.

(5) In the report submitted to the State Government after expiry of the time limit mentioned in the above sub-regulation (4), the Authority shall record the reasons for delay in writing.

(6) The complainant or a victim or a respondent officer may apply for adjournment of a hearing at least three days in advance before the date of hearing.

(7) Ordinarily the Authority shall not grant adjournment of hearing unless reasonable cause is shown by the concerned party to a case and in every instance; the Authority shall record reasons in writing for grant of adjournment.

(8) Where an adjournment is granted on the plea of a respondent officer for reasons of performance of unavoidable official duty, the hearing may be held on the next working day :

Provided that, the Authority shall not grant more than three adjournments to a Respondent Officer, during the pendency of a complaint against him.

(9) Where a complainant or a victim or the Respondent Officer fails to appear before the Authority, the Authority shall proceed with the case ex- parte.

11. *Decisions and Directions of the Authority*:- (1) Upon completion of an enquiry, the Authority shall communicate its findings to the State Government, the concerned officers and their senior supervisory officer.

(2) The Authority shall take into consideration any additional fact or information or submission received under sub-regulation (2), before arriving at findings on the complaint in accordance with the time limit specified in the earlier Rule.

(3) In its findings, the Authority may affirm or revise its findings or the directions recorded under sub-regulation (1) or (2).

(4) Every findings of the Authority shall contain,-

- (a) a summary of the allegations in the complaint ;
- (b) a summary of the reply, report and submissions received by the Authority ;
- (c) the findings of the Authority ;

(5) After completion of the enquiry, if the Authority comes to the conclusion that the complaint so filed by the complainant or his representative or the alleged victim is frivolous, false, vexatious, malicious or with ulterior motive, in that case the Authority may take action as per provisions of section 22T of the Act.

(6) The Member-Secretary or designated officer shall notify the date of pronouncement of final decision at least three working days in advance.

(7) Findings of the Authority shall be pronounced in open proceedings by the Chairperson or any Member authorized by Chairperson for this purpose and the same shall be communicated to the concerned authorities for implementation.

(8) The person pronouncing the findings of the Authority shall read out the operative part of the decision and cause the explanation of the substance thereof to the complainant or the victim in the official language or in Hindi or English, as an exception.

(9) The Member-Secretary or designated officer of the authority shall duly authenticate final decision of the Authority and without any delay cause copies of the decision to be provided to the parties, free of charge.

12. *Transparency in the working of the Authority*:- (1) Every hearing of the Authority shall be open to the public :

Provided that, in exceptional circumstances and for reasons recorded by the Authority in writing, such hearing may be held in camera.

(2) The Member-Secretary or designated officer of the Authority shall be responsible to create, develop and update an internet website in the official language of the Authority or in English.

(3) The Member-Secretary or designated officer of the Authority shall prepare and display on its website or its notice board, the cause-list of the cases listed daily, weekly and monthly.

(4) All decisions of the Authority shall be uploaded on the website of the Authority regularly without any delay.

(5) All applications received by the Authority for information under the Right to Information Act, 2005 shall be disposed off as per the provision of that Act.

(6) The Member Secretary or designated officer of the Authority shall publish and disseminate basic information of the Authority and its procedure through print, electronic and/ or social media.

(7) Without prejudice to sub-regulation (1) above, the Member-Secretary or designated officer shall within six months of the constitution of the Authority publish a booklet/guide, giving the contact details, powers and functions of the Authority, the procedure for filing complaint, prescribed forms or formats for the purpose of receiving and disposing of complaints and the remedies available to the complainant under the provision of the Act.

(8) The Member-Secretary or designated officer of the authority shall update the said booklet/guide, from time to time.

(9) The Government shall make copies of this booklet/guide available at the offices of the Authorities, at every Police Station and all other offices of the Police Department, as far as possible, free of charge.

13. *Annual report of the Authority.*— The Authority shall submit to the State Government an annual report at the end of the financial year on the following subjects:

- (a) number and type of complaints enquired into by the Authority;
- (b) number and type of cases of misconduct enquired into by the Authority;
- (c) number and type of cases if referred to any other agency or officer for the purpose of conducting an enquiry;
- (d) findings of the Authority in each case;
- (e) extent of any delay and the reasons for the delay in completing any enquiry;
- (f) identifiable patterns of misconduct of police personnel in the state;
- (g) recommendations for enhancing the accountability of the police.

14. *Power of Authority to issue orders, circulars, etc.*— The Chairperson of the Authority shall issue necessary administrative orders, circulars and clarifications etc. from time to time to ensure the smooth functioning of the Authority.

By order and in the name of the Governor of Maharashtra,

JAYSING PAWARA,
Joint Secretary.

ANNEXURE A

[See section 6(3)]

SELF ATTESTED DECLARATION

On plain paper (No Court fee required)

I Shri/Smt./Ms. _____

son / daughter / wife / widow of _____

_____ aged _____ years, permanent and current address as given below, having Aadhaar No. _____ (self attested copy attached) do swear in the name of God and hereby solemnly affirm and state as follows:

1. That I am the complainant in the accompanying complaint / have authorized Shri / Smt. / Ms. _____ to file the authorized

Shri/ Smt./ Ms. _____ to file the accompanying complaint as I am unable to file the same because of _____ reason.

2. That the facts stated in the attached complaint in paras _____ are true to the best of my knowledge and in paras _____ are true to my information and belief.

3. I therefore request you to enquire into the above complaint and take further action as deemed fit.

Deponent

Name : _____

Permanent Address.

ANNEXURE B

[See Rule 7(1)]

Division Level Police Complaints Authority at _____

SUMMONS TO PRODUCE DOCUMENT/S

No. DPCA / _____ of _____

To _____

Name(s), Designation & Address(es) of Public servant(s);

Whereas a complaint has been made before the Division Level Police Complaints Authority at
Respective Headquarter by _____

_____ (name and address of complaint) against you, the
above-named, containing grievance / allegation in respect of _____

and it appears to the Chairperson, Division Level Police Complaint Authority desirable for the purpose of
inquiry / investigation that the relevant document(s) should be produced before him.

You are hereby summoned to attend and produce or cause to be produced through your servant,
clerk or agent, the said document(s) before him in his office on _____
at _____ O'clock. Herein fail not.

Given under my hand and seal of the office.

Dated :

Administrative Officer,
Division Level Police Complaints Authority.

ANNEXURE C

[See Rule 10(3)]

Division Level Police Complaints Authority at _____

SUMMONS TO WITNESS

No. DPCA / _____ of _____ ..Complaint
 Vs. _____ ..Police Officer
 To, _____

Whereas your attendance is required as a witness before the Chairperson, Division Level Police Complaint Authority on behalf of _____ in the above complaint, you are hereby required to appear personally before him on the _____ at _____ O'clock and to bring with you the relevant documents or to send them through your servant or agents able to prove them.

Given under my hand and seal of the office.

Dated :

Member Secretary/ Administrative Officer,
 Division Level Police Complaints Authority.

No. DCPA-0118/C.R. 12/Pol. 14

Home Department

2nd Floor, Main Building,

Hutatma Rajguru Chowk,

Madam Cama Road, Mantralaya,

1. The Secretary to the Governor, Raj Bhavan, Malbar Hill, Mumbai.
2. The Principal Secretary to the Chief Minister.
3. The Chief Secretary ,Mantralaya, Mumbai.
4. All Additional Chief Secretaries/Principal Secretaries/Secretaries of Mantralaya Departments, Mumbai.
5. The Registrar, High Court (Original Side),Mumbai.
6. The Registrar, High Court (Appellate Side),Mumbai.
7. The Registrar, Office of the LokaAyukt and Upa-LokaAyukt, Mumbai.
8. The Secretary, Maharashtra Public Service Commission, Mumbai.
9. The Principal Secretary, Secretarial of Maharashtra Legislature (Assembly), Mumbai.
10. The Principal Secretary, Secretarial of Maharashtra Legislature (Council), Mumbai. The Secretary, Office of the Chief Information Commissioner of the state, New Administrative Building, Mumbai.
11. The Registrar, State Human Rights Commission,Mumbai 400 001.
12. The Director General of Information and Public Relations, Mumbai,(2 copies for publicity).
13. Director General and Inspector General of Police, Maharashtra, Mumbai.
14. Director General, Anti-Corruption Bureau, M. S., Mumbai.
15. Director General, Police Housing, Plot No. 89-89A, Sir Pochkhanwala Road, Near Police Officers Mess, Worli, Mumbai-30.
16. Director General, State Security Corporation, World Trade Center, Cuffe Parade, Mumbai.
17. Director General, Home Guard, Maharashtra State Home Guards & Civil Defence Headquarters, Old Secretarial Annex, Near Eipinstone Collage, M. G. Road, Fort, Mumbai 400 032.
18. Director General of Police (J &T), New Administrative Bldg., Mantralaya Mumbai.
19. Addl. Director General of Police (all).
20. Commissioner of Police, Brihanmumbai.
21. Commissioner, State Intelligence Department, Maharashtra State Police Headquarters, Shahid Bhagatsingh Marg, Colaba, Mumbai 400 001.
22. Addi. Director General of Police, C.I.D, M. S. Pune.
23. Addl. Director General of Police, Prisons, Pune.
24. Addl. General of Police Railways, Mumbai.
25. Director, Maharashtra Police Academy, Nashik.
26. Spl. Inspector General of Police, Motor Transport, Aundh, Pune.
27. Special Range Inspector general of police (all).
28. Police Commissioners (all).

- 29. District Superintendent of Police (all).
- 30. Principal, Police Training School (all).
- 31. Select File.

J. L. PAWARA,
Joint Secretary.