

PUNJAB VIDHAN SABHA

Bill No. 27-PLA-2018

THE PUNJAB POLICE (SECOND AMENDMENT) BILL, 2018

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BILL

further to amend the Punjab Police Act, 2007.

BE it enacted by the Legislature of the State of Punjab in the Sixty-ninth Year of the Republic of India as follows :—

1. (1) This Act may be called the Punjab Police (Second Amendment) Act, 2018. Short title and commencement.

(2) It shall come into force on and with effect from the date of its publication in the Official Gazette.

2. In the Punjab Police Act, 2007 (hereinafter referred to as the principal Act), for the words “State Police Board”, wherever occurring except section 28, the words “State Security Commission” shall be substituted. Substitution of words “State Security Commission” in Punjab Act 10 of 2008.

3. In the principal Act, for section 6, the following section shall be substituted, namely :— Substitution of section 6 in Punjab Act 10 of 2008.

“(1) The State Government shall select the Director General of Police from amongst the Indian Police Service Officers from a panel of at least three eligible officers borne on the cadre of the State of Punjab or any other State cadre, who are in the rank of Director General or are eligible to hold this rank for appointment as Director General of Police, based on their service record and range of experience, having a reasonable period of remainder service left, which shall in no case be less than twelve (12) months as on the date of appointment :

Provided that such a panel shall be prepared by a committee comprising of the Chief Secretary, the Principal Secretary to Government of Punjab, Department of Home Affairs and Justice and outgoing Director General of Police, Punjab or an expert in internal security matters as may be set up by the State Government.

(2) The Director General of Police so appointed, shall have tenure of not less than two years irrespective of his date of superannuation.

(3) Notwithstanding anything contained in sub-section (2), the Director General of Police may be relieved of his responsibilities by the State Government acting in consultation with the State Security Commission 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 in a criminal offence or in a case of corruption, or if he is otherwise incapacitated from discharging his duties.”.

Amendment in section 15 of Punjab Act 10 of 2008.

4. In the principal Act, in section 15, in sub-section (1), for the words and sign “one year against those posts, which shall be extendable to maximum period of three years”, the words “two years against those posts” shall be substituted.

Amendment in section 27 of Punjab Act 10 of 2008.

5. In the principal Act, in section 27, for sub-section (2), the following sub-section shall be substituted, namely :—

“(2) The State Security Commission shall consist of following persons, namely :—

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| (a) the Chief Minister, Punjab; | .. Chairperson |
| (b) the Home Minister, Punjab | .. Vice-Chairperson |
| (in case the Chief Minister is also the Home Minister, the Chief Minister may nominate any other Minister as Member of the Commission in place of Home Minister); | |
| (c) the Leader of the Opposition in the Punjab Legislative Assembly; | .. Member |
| (d) a retired Judge of a High Court; | .. Member |
| (e) the Chief Secretary, Punjab; | .. Member |
| (f) the Principal Secretary to Government of Punjab; Department of Home Affairs and Justice; | .. Member |
| (g) the Advocate General, Punjab; | .. Member |

- (h) not more than two eminent citizens .. Member of prominence and integrity in public services to be nominated by the State Government; and
- (i) the Director General of Police .. Member Secretary”.

6. In the principal Act, in section 28,—

- (i) for the existing heading “Functions of State Police Board”, the heading “Functions of State Security Commission” shall be substituted; and
- (ii) for the words and signs “The State Police Board shall perform the following functions, namely :-”, the words and sign “The State Security Commission shall perform the following functions and make recommendations to the State Government and the recommendations so made shall be binding on the State Government, namely :-”.

Amendment in section 28 of Punjab Act 10 of 2008.

7. In the principal Act, in section 32,—

- (i) for sub-section (2), the following sub-section shall be substituted, namely :—

“(2) The Establishment Committee shall decide with regard to transfers and postings of police officers of the rank of Deputy Superintendents of Police and make recommendations on postings/transfers of officers of the rank of Superintendent of Police.”; and

- (ii) after sub-section (6), the following sub-section shall be added, namely :—

“(7) The Establishment Committee shall function as a forum to dispose of complaints/representations from the rank of Superintendent of Police and above ranks, regarding promotions/transfers/disciplinary proceedings or their being subjected to illegal or irregular orders.”.

Amendment in section 32 of Punjab Act 10 of 2008.

STATEMENT OF OBJECTS AND REASONS

The Supreme Court of India *vide* its judgment of 22nd September, 2006 in Prakash Singh's case had issued directions concerning the Police reforms. Subsequent to the judgment in Prakash Singh's case, 'The Punjab Police Act 2007' was enacted on 5th February, 2008. To monitor implementation of its directions in Prakash Singh's case the Supreme Court of India appointed the Justice K.T. Thomas Committee. Justice K.T. Thomas Committee has pointed out certain deviations/deficiencies in the Punjab Police Act, 2007, as specified in Annexure-II to its Final Report.

In the light of the observations/deviations specified in Annexure-II to the "Final Report of Justice K.T. Thomas Committee" Sections 6, 15, 27, 28 and 32 of the Punjab Police Act, 2007 are proposed to be amended to bring these sections in line with the directions of the Supreme Court in Prakash Singh and Others *versus* Union of India and Others on 22nd September, 2006. Further, the enactment of this Bill with amended provisions shall make the functioning of Police more accountable.

AMARINDER SINGH,
Chief Minister, Punjab.

CHANDIGARH :
The 27th August, 2018

SHASHI LAKHANPAL MISHRA,
Secretary.

N.B.— The above Bill was published in the *Punjab Government Gazette (Extraordinary)*, dated the 27th August, 2018 under the proviso to rule 121 of the Rules of Procedure and Conduct of Business in the Punjab Vidhan Sabha (Punjab Legislative Assembly).