

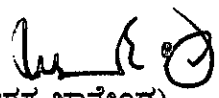
**ಕರ್ನಾಟಕ ವಿಧಾನ ಪರಿಷತ್ತು**

- 1 ಚುಕ್ಕೆ ಗುರುತಿಲ್ಲದ ಪ್ರಶ್ನೆ ಸಂಖ್ಯೆ : 895  
 2 ಸದಸ್ಯರ ಹೆಸರು : ಡಾ: ವೈ.ಎ. ನಾರಾಯಣಸ್ವಾಮಿ (ಶಿಕ್ಷಕರ ಕ್ಷೇತ್ರ)  
 3 ಉತ್ತರಿಸುವ ದಿನಾಂಕ : 24-02-2022  
 4 ಉತ್ತರಿಸುವ ಸಚಿವರು : ಗೃಹ ಸಚಿವರು

ಕ್ರ.ಸಂ	ಪ್ರಶ್ನೆ	ಉತ್ತರ
ಅ	<p>ಗೃಹ ಇಲಾಖೆಯಲ್ಲಿ ವೃತ್ತ ನಿರೀಕ್ಷಕ/ಸಹಾಯಕ ವೃತ್ತ ನಿರೀಕ್ಷಕರ ವರ್ಗಾವಣೆಗೆ ಅನುಸರಿಸುವ ಮಾನದಂಡಗಳೇನು; ( ಮಾಹಿತಿ ಒದಗಿಸುವುದು)</p>	<p>ಕರ್ನಾಟಕ ಪೊಲೀಸ್ (ತಿದ್ದುಪಡಿ) ಕಾಯ್ದೆ 2013, ಸರ್ಕಾರದ ಅಧಿಸೂಚನೆ ಸಂಖ್ಯೆ: ಸಂವೃಶಾಇ 74 ಶಾಸನ 2012, ದಿನಾಂಕ: 18/06/2013 ರ ಪ್ರಕಾರ ಒಂದು ಸ್ಥಳದಲ್ಲಿ ಒಂದು ವರ್ಷ ಪೂರ್ಣಗೊಂಡ ನಂತರ ವರ್ಗಾವಣೆ ಮಾಡಬಹುದಾಗಿರುತ್ತದೆ.</p> <p>ಸರ್ಕಾರದ ಆದೇಶ ಸಂಖ್ಯೆ: ಒಇ 35 ಪಿಇಐ 2020 ದಿನಾಂಕ: 15/05/2020 ಈ ಕೆಳಕಂಡಂತೆ ವಿವರಿಸಿದೆ.</p> <ol style="list-style-type: none"> <li>1. ಪೊಲೀಸ್ ನಿರೀಕ್ಷಕರ (ಸಿವಿಲ್) ಹುದ್ದೆಗೆ ಮುಂಬಡ್ತಿ ಹೊಂದಿದ ತಕ್ಷಣ ಕಡ್ಡಾಯವಾಗಿ ಕನಿಷ್ಠ 02 ವರ್ಷಗಳ ಸೇವೆಯನ್ನು ಪೊಲೀಸ್ ಇನ್ಸ್‌ಪೆಕ್ಟರ್ ಹುದ್ದೆಯಲ್ಲಿನ ಕಾರ್ಯಕಾರ್ಯತರ ಹುದ್ದೆಯಲ್ಲಿ ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸಬೇಕು.</li> <li>2. ಈ ಆದೇಶ ಜಾರಿಗೊಂಡ ನಂತರದಲ್ಲಿ ಮುಂಬಡ್ತಿ ಹೊಂದುವ ಪೊಲೀಸ್ ಇನ್ಸ್‌ಪೆಕ್ಟರ್ (ಸಿವಿಲ್) ರವರುಗಳಿಗೆ ಈ ನಿಬಂಧನೆ ಜಾರಿಯಾಗುತ್ತದೆ.</li> <li>3. ಪೊಲೀಸ್ ನಿರೀಕ್ಷಕರ (ಸಿವಿಲ್) ರವರುಗಳು ಬೆಂಗಳೂರು ನಗರ/ ಮಂಗಳೂರು ನಗರ/ ಮೈಸೂರು ನಗರ/ ಹುಬ್ಬಳ್ಳಿ-ಧಾರವಾಡ ನಗರ / ಬೆಳಗಾವಿ ನಗರ/ ಕಲಬುರಗಿ ನಗರಗಳಂತಹ ಪೊಲೀಸ್ ಕಮಿಷನರೇಟ್ ವ್ಯಾಪ್ತಿಯಲ್ಲಿ ಅನುಕ್ರಮವಾಗಿ ಕನಿಷ್ಠ ಐದು ವರ್ಷಗಳ ಅವಧಿಗೆ ಮಾತ್ರ ಕಾರ್ಯಕಾರಿ ಹುದ್ದೆಗಳಲ್ಲಿ (ಕಾನೂನು ಸುವ್ಯವಸ್ಥೆ, ಸಂಚಾರ ಮತ್ತು "ಸಿಸಿಬಿ") ಸೇವೆ ಸಲ್ಲಿಸಲು ಅವಕಾಶವಿರುತ್ತದೆ.</li> </ol> <p>05 ವರ್ಷಗಳ ಸೇವೆಯನ್ನು ಪೂರ್ಣಗೊಳಿಸಿದ ಅಧಿಕಾರಿಗಳು ಆಯಾ ಪೊಲೀಸ್ ಕಮಿಷನರೇಟ್ ವ್ಯಾಪ್ತಿಯಿಂದ ಕಡ್ಡಾಯವಾಗಿ ಇತರೆ ಘಟಕಗಳಲ್ಲಿನ ಹುದ್ದೆಗಳಲ್ಲಿ 05 ವರ್ಷಗಳ ಅವಧಿಗೆ ಕರ್ತವ್ಯನಿರ್ವಹಿಸತಕ್ಕದ್ದು.</p> <p>ತದನಂತರ ಪೊಲೀಸ್ ಕಮಿಷನರೇಟ್ ಹೊರತುಪಡಿಸಿ ಇತರೆ ಘಟಕಗಳಲ್ಲಿ 05 ವರ್ಷಗಳ ಕಾಲ Cooling period ಅನ್ನು ಪೂರ್ಣಗೊಳಿಸಿದ ನಂತರ ಆಯಾ ಪೊಲೀಸ್ ಕಮಿಷನರೇಟ್ ವ್ಯಾಪ್ತಿಯಲ್ಲಿ ಕಾರ್ಯನಿರ್ವಹಿಸಲು ಪುನಃ ಅರ್ಹತೆಯನ್ನು ಹೊಂದಲಿರುತ್ತಾರೆ.</p> <p>ಯಾವುದೇ ಅಧಿಕಾರಿಗಳು ಆಯಾ ಕಮಿಷನರೇಟ್ ವ್ಯಾಪ್ತಿಯಲ್ಲಿ ಕಾರ್ಯಕಾರಿ ಹುದ್ದೆಯಲ್ಲಿ ಕಾರ್ಯನಿರ್ವಹಿಸಲು 05 ವರ್ಷಗಳ ಕಾಲಾವಧಿಯ ಅವಕಾಶವನ್ನು ನಿಗದಿಪಡಿಸಲಾಗಿದ್ದು, ಈ ಅವಧಿ ಪ್ರಾರಂಭಗೊಳ್ಳುವ ಪೂರ್ವದಲ್ಲಿ ಕಮಿಷನರೇಟ್ ವ್ಯಾಪ್ತಿಯನ್ನು ಹೊರತುಪಡಿಸಿ</p>

		<p>ಇತರೆ ಘಟಕಗಳಲ್ಲಿ ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸಿದ ಅವಧಿಯನ್ನು Cooling period ಗೆ ಲೆಕ್ಕಹಾಕುವಂತಿಲ್ಲ ಅಥವಾ ಪರಿಗಣನೆಗೆ ತೆಗೆದುಕೊಳ್ಳುವಂತಿಲ್ಲ.</p> <p>ಸಿಸಿಬಿಯಲ್ಲಿ ಪ್ರಸ್ತುತ ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸುತ್ತಿರುವ ಪೊಲೀಸ್ ಇನ್ಸ್‌ಪೆಕ್ಟರ್ (ಸಿವಿಲ್) ಅಧಿಕಾರಿಗಳು, ಅವರ ಅವಧಿ ಪೂರ್ಣಗೊಳಿಸಿದ ನಂತರ ಅವರುಗಳಿಗೆ ಈ ನಿಬಂಧನೆ ಅನ್ವಯವಾಗುತ್ತದೆ.</p> <p>4. ಯಾವುದೇ ಅಧಿಕಾರಿಯು ಅವರು ಮುಂಬಡ್ತಿ ಹೊಂದಿದ ನಂತರ ನಾಲ್ಕು ವಾರಗಳ ಪುನರ್ಮನನ ತರಬೇತಿಯನ್ನು ಮುಂಬಡ್ತಿ ಹೊಂದಿದ 02 ವರ್ಷದೊಳಗಾಗಿ ಪಡೆಯತಕ್ಕದ್ದು. ಸದರಿ ತರಬೇತಿಯನ್ನು ಪೂರ್ಣಗೊಳಿಸದ ಅಧಿಕಾರಿಗಳನ್ನು ಕಾರ್ಯಕಾರಿ ಹುದ್ದೆಗೆ ಪರಿಗಣಿಸತಕ್ಕದ್ದಲ್ಲ.</p> <p>5. ಪೊಲೀಸ್ ಇನ್ಸ್‌ಪೆಕ್ಟರ್ ರವರುಗಳ ವಿರುದ್ಧ ಯಾವುದೇ ಪ್ರಮುಖ ಇಲಾಖಾ ವಿಚಾರಣೆ, ಲೋಕಾಯುಕ್ತ ಪ್ರಕರಣ ಅಥವಾ ವಿಚಾರಣೆಯಲ್ಲಿರುವ ಅಪರಾಧ ಪ್ರಕರಣ ಅಥವಾ ಪೊಲೀಸ್ ಸಿಬ್ಬಂದಿ ಮಂಡಳಿಯು ಅವರು ಅನರ್ಹ ಎಂದು ಪರಿಗಣಿಸಿದ್ದಲ್ಲಿ, ಅಂತಹ ಅಧಿಕಾರಿಯನ್ನು ಕಾರ್ಯಕಾರಿ ಹುದ್ದೆಗೆ ನೇಮಿಸುವಂತಿಲ್ಲ.</p> <p>ಸಹಾಯಕ ವೃತ್ತ ನಿರೀಕ್ಷಕರ ಹುದ್ದೆಯು ಅಸ್ತಿತ್ವದಲ್ಲಿರುವುದಿಲ್ಲ.</p>
ಆ	ಪಿ.ಇ.ಬಿ (Police Establishment Board) ನಿಬಂಧಗಳೇನು;	ಸರ್ಕಾರದ ಅಧಿಸೂಚನೆ ಸಂಖ್ಯೆ: ಸಂವೃಶಾಇ 38 ಶಾಸನ 2012, ದಿನಾಂಕ: 09.08.2012ರಲ್ಲಿ ಪಿಇಬಿ ಯ ರಚನೆ ಹಾಗೂ ಪ್ರಕಾರ್ಯಗಳ ಕುರಿತು ವಿವರಿಸಲಾಗಿದೆ. ಸದರಿ ಅಧಿಸೂಚನೆಯನ್ನು ಅನುಬಂಧದಲ್ಲಿ ಒದಗಿಸಲಾಗಿದೆ.
ಇ	ಈಗಿರುವ ವರ್ಗಾವಣೆಯ ಅರ್ಹತೆಯ ಅವಧಿಯು ಒಂದು ವರ್ಷ ಇರುವುದರಿಂದ ಎರಡು ವರ್ಷಕ್ಕೆ ವಿಸ್ತರಿಸಲು ಸರ್ಕಾರ ಚಿಂತನೆ ನಡೆಸಿದೆಯೇ;	ಇಂತಹ ಯಾವುದೇ ಪ್ರಸ್ತಾವನೆ ಸರ್ಕಾರದ ಮುಂದಿರುವುದಿಲ್ಲ.
ಈ	ಅರ್ಹತೆಯ ಅವಧಿಯು ಒಂದು-ವರ್ಷವಿರುವುದರಿಂದ, ಆಡಳಿತ ವ್ಯವಸ್ಥೆಯ ಮೇಲೆ ಆಗಿರುವ ದುಷ್ಪರಿಣಾಮಗಳು ಸರ್ಕಾರದ ಗಮನಕ್ಕೆ ಬಂದಿದೆಯೇ;	ಯಾವುದೇ ದುಷ್ಪರಿಣಾಮ ಉಂಟಾಗಿರುವುದಿಲ್ಲ.
ಉ	ಮೇಲ್ಕಂಡ ಅವಧಿಯನ್ನು ಎರಡು-ವರ್ಷ ಅವಧಿಗೆ ವಿಸ್ತರಿಸಿ ಆಡಳಿತ ಯಂತ್ರವನ್ನು ಚುರುಕುಗೊಳಿಸಲು ಸಾಧ್ಯವಿಲ್ಲವೇ; ಇದರ ಬಗ್ಗೆ ಸರ್ಕಾರದ ಅಭಿಪ್ರಾಯವೇನು?(ವಿವರಣೆ ನೀಡುವುದು.)	ಆಡಳಿತ ಯಂತ್ರವನ್ನು ಚುರುಕುಗೊಳಿಸುವ ಉದ್ದೇಶದಿಂದ ಪೊಲೀಸ್ ಅಧಿಕಾರಿಗಳ ವರ್ಗಾವಣೆಯ ಕನಿಷ್ಠಾವಧಿಯನ್ನು 2 ವರ್ಷದಿಂದ 1 ವರ್ಷಕ್ಕೆ ಕಡಿತಗೊಳಿಸಿ ಸರ್ಕಾರದ ಅಧಿಸೂಚನೆ ಸಂಖ್ಯೆ:ಸಂವೃಶಾಇ 75 ಶಾಸನ 2012, ದಿನಾಂಕ:18.06.2013ರಲ್ಲಿ ತಿದ್ದುಪಡಿಗೊಳಿಸಲಾಗಿದೆ.

ಸಂಖ್ಯೆ: ಒಇ 30 ಪಿಇಎಂ 2022

  
 (ಆರಗ ಜ್ಞಾನೇಂದ್ರ)  
 ಗೃಹ ಸಚಿವರು



# ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರ

ಅಧಿಕೃತವಾಗಿ ಪ್ರಕಟಿಸಲಾದುದು

ವಿಶೇಷ ಪತ್ರಿಕೆ

ಭಾಗ - IV-A

ಬೆಂಗಳೂರು, ಗುರುವಾರ, ಆಗಸ್ಟ್ ೯, ೨೦೧೨ (ಪ್ರಾವಣ ೧೮, ಶಕ ವರ್ಷ ೧೯೩೪)

ನಂ. ೫೬೧

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನಾ ಸಚಿವಾಲಯ

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 38 ಶಾಸನ 2012, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 9.8.2012

ದಿ ಕರ್ನಾಟಕ ಪೊಲೀಸ್ (ಅಮೆಂಡ್‌ಮೆಂಟ್) ಬಿಲ್, 2012ಕ್ಕೆ ಆಗಸ್ಟ್ ಎಂಟನೇ ದಿನಾಂಕದಂದು ರಾಜ್ಯಪಾಲರ ಒಪ್ಪಿಗೆ ದೊರೆತಿದ್ದು, ಸಾಮಾನ್ಯ ತಿಳುವಳಿಕೆಗಾಗಿ ಇದನ್ನು 2012ರ ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ ಸಂಖ್ಯೆ: 30 ಎಂಬುದಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಪ್ರಕಟಿಸಬೇಕೆಂದು ಆದೇಶಿಸಲಾಗಿದೆ.

## KARNATAKA ACT NO 30 OF 2012

(First Published in the Karnataka Gazette Extra-ordinary on the Ninth day of August, 2012)

### THE KARNATAKA POLICE (AMENDMENT) ACT, 2012

(Received the assent of the Governor on the Eighth day of August, 2012)

An Act further to amend the Karnataka Police Act, 1963.

Whereas it is expedient further to amend the Karnataka Police Act, 1963 (Karnataka Act No. 4 of 1964) for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the sixty-third year of the Republic of India, as follows:-

**1. Short title and commencement.**- (1) This Act may be called the Karnataka Police (Amendment) Act, 2012.

(2) It shall be deemed to have come into force with effect from the 2<sup>nd</sup> day of June, 2012.

**2. Substitution of section 6.**- In the Karnataka Police Act, 1963 (Karnataka Act 4 of 1964) (hereinafter referred to as the principal Act), for section 6, the following shall be substituted, namely:-

**"6. Director General and Inspector General of Police.**- (1) For the direction, control and supervision of the Police service, the Government shall appoint a Director General and Inspector General of Police, who shall subject to the control of the Government, exercise such powers and perform such functions and duties and shall have such responsibilities and such authority as may be provided by or under this Act.

(2) The Director General and Inspector General of Police shall be selected by the State Government from amongst officers of the Indian Police Service in the rank of Director General of Police who have been

empanelled for promotion to that rank on the basis of their length of service, very good history of service, professional knowledge and ability to lead Police Force in the State.

(3) The Director General and Inspector General of Police so appointed shall have a tenure of not less than two years subject to superannuation:

Provided that the Government may transfer the Director General and Inspector General of Police before completion of two years of his tenure, if he is,-

- (a) convicted by a court of law in a criminal case or where charges have been framed against him by a court in a case involving corruption or offences which amounts to moral turpitude; or
- (b) incapacitation by physical or mental illness or otherwise becoming unable to discharge his functions as the Director General and Inspector General of police; or
- (c) appointed to another post with his consent; or
- (d) imposed punishment of dismissal, removal, or compulsory retirement from service or of reduction to a lower post, awarded under the provisions of the All India Services (Discipline and Appeal) Rules, 1969 or any other relevant rule; or
- (e) under suspension from service; or
- (f) when a prima-facie case of misconduct or gross negligence is established after a preliminary enquiry.

(4) The Government, may by notification, delegate such powers or give such directions as it deems necessary to the Director General and Inspector General of Police who shall exercise the powers and discharge the functions so entrusted to him by or under this Act."

3. **Insertion of new chapter IIA.**- In the principal Act, after Chapter II and entries relating thereto, the following new chapter shall be inserted, namely:-

#### "CHAPTER IIA

##### ESTABLISHMENT OF STATE SECURITY COMMISSION, POLICE ESTABLISHMENT BOARD, STATE POLICE COMPLAINT AUTHORITY AND DISTRICT POLICE COMPLAINT AUTHORITY

20A. **The State Security Commission.**- (1) The State Government may, by notification in the official Gazette, establish a Commission to be called the State Security Commission for the purpose of exercising such functions and discharging such duties as may be assigned to the Commission, by under this Act.

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

- |   |   |                     |
|---|---|---------------------|
| (a) The Chief Minister  | - | Chairman            |
| (b) The Home Minister   | - | Vice Chairman.      |
| (c) Leader of the Opposition<br>in the Legislative Assembly                             | - | Member              |
| (d) A Retired judge of the High<br>Court nominated by the Chief Justice<br>of Karnataka | - | Member              |
| (e) Chief Secretary to Government   | - | Member              |
| (f) Additional Chief Secretary/<br>Principal Secretary, in charge of<br>Home Department | - | Member              |
| (g) Director General of Police<br>and Inspector General of Police                       | - | Member<br>Secretary |

(3) The terms and conditions of appointment and allowance payable thereof to the retired judge shall be such as may be prescribed.

(4) The functions of the Commission shall include:-

- (a) laying down the broad policy guidelines for ensuring that the State Police always acts according to the laws of the land and the constitution of India;
- (b) laying down the broad principles and giving directions for the performance of the preventive tasks and service oriented functions of the police;
- (c) evaluation of the performance of the State Police and submission of report thereon to the Government for placing before the State Legislature; and
- (d) any other functions as may be prescribed.

(5) The recommendations of the Commission shall be binding on the Government.

**20B. Police Establishment Board.-** (1) The State Government shall, by notification in the official Gazette, establish a Police Establishment Board with the Director General and Inspector General of Police as Chairman and three senior most police officers not below the rank of Additional Director General of Police working within the police department as members. Additional Director General of Police (Administration) shall be the convener.

(2) The functions of the Police Establishment Board shall be as follows, namely:-

- (a) Subject to the provisions of section 20F, it shall decide on transfers, postings, promotions and other service related matters of officers of and below the rank of Deputy Superintendent of Police.
- (b) It shall also make recommendation for promotion to the rank of Deputy Superintendents of Police after duly verifying reservation and quota prescribed for direct recruitment and promotion. For this purpose a separate register shall be maintained by Director General and Inspector General of Police, as per orders or guidelines prescribed by Government from time to time.
- (c) It shall make appropriate recommendations to the Government regarding postings and transfers of officers of and above the rank of Additional Superintendent of Police.
- (d) Generally review the functioning of the police force in the State.
- (e) Perform such other functions as may be prescribed.

(3) Subject to its control and directions, the Police Establishment Board may authorize the Superintendent of Police to effect transfers of Group C and D officials within the district and the Inspector General of Police within the Range.

(4) The Government may modify the decision of the Police Establishment Board in exceptional cases only after recording its reasons for doing so. The Government shall give due weightage and shall normally accept the recommendations made by the Board, regarding postings and transfers of officers of and above the rank of Additional Superintendent of Police.

(5) The transfers decided and effected by the Police establishment Board shall be strictly in accordance with section 20F and the general transfer guidelines issued by Government from time to time.

(6) The cases pertaining to transfer of Police officers or personnel on complaints shall be considered by the Police Establishment Board and action taken in this regard shall be reported to Government.

(7) Copies of proceedings of the Police Establishment Board and the transfer orders issued thereon shall be sent to Government forthwith.

**20C. State Police Complaints Authority.-** (1) The State Government shall, by notification in the official Gazette, constitute the State Police Complaints Authority consisting of five persons, namely:-

- (i) One shall be the Chairman selected from among the panel of three retired High Court Judges recommended by the Chief Justice of High Court of Karnataka.
- (ii) one member shall be from among the retired Civil Service who shall be an officer not below the rank of Principal Secretary to Government;
- (iii) one member shall be from Civil Society. The Civil Society member shall be chosen by the State Government from amongst the panel of three names recommended by the Search Committee consisting of three persons nominated by the State Government one each representing the Human Rights Commission, the Karnataka Public Service Commission and the Lokayukta. The State Government shall appoint one of the members as the Chairman of the Search Committee and an officer not below the rank of Deputy Secretary to Government, Home Department as the convener of the Search Committee. The persons in the panel shall be a person of repute who has rendered humanitarian service in the field of education, health, upliftment of the poor etc. and had not aligned himself with any political party or ideological group;
- (iv) one women IPS Officer of not below the rank of Deputy Inspector General of Police; and
- (v) the Additional General of Police (Grievance) nominated by the State Government as the Ex-officio member and member Secretary of the Authority.
- (2) A person shall be disqualified for being appointed as member, if he:-
- has directly or indirectly associated himself with any Anti Social or Anti National group or body;
  - has been convicted and sentenced to imprisonment for an offence which, in the opinion of the State Government, involves moral turpitude; or
  - is an undischarged insolvent; or
  - is of unsound mind and stands so declared by a competent court;
  - has such other disqualifications as may be prescribed.
- (3) Every non-official member of the State Police Complaints Authority shall hold office for a period of three years.
- (4) 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.
- (5) The Government shall provide such number of staff as is necessary for assisting the functions of the State Police Complaints Authority.
- (6) The State Police Complaints Authority shall look into complaints against officers of the rank of Superintendent of Police and above, including Additional Superintendent of Police, and take cognizance of allegations of serious misconduct by the police officers which would include incidents involving death, grievous hurt or rape in police custody.
- (7) The State Police Complaints Authority shall inquire into allegations of serious misconduct against police officers, after providing an opportunity of being heard to the alleged police officer either suo moto or on a complaint received from any of the following, namely:-
- a victim or any person on his behalf; or
  - the National or the State Human Rights Commission; or
  - the police; or
  - any other source.

**Explanation.-** (1) "Serious misconduct" for the purpose of this Chapter, shall mean any act or omission of a police officer that leads to or amounts to,-

- (a) death in police custody; or
- (b) grievous hurt, as defined in section 320 of the Indian Penal Code, 1860 ; or
- (c) rape or attempt to commit rape; or
- (d) arrest or detention without due process of law.

(2) "Misconduct" in this context, shall mean any willful breach or neglect by a police officer of any law, rule, regulation applicable to the police that adversely affects the rights of any member of the public, excluding "serious misconduct" as defined in explanation (1).

(8) In the cases *suo moto* inquired by the State police Complaints Authority, it may, issue notice to Director General and Inspector General of Police and direct him to file his views on the complaint during the enquiry. The State Police Complaints Authority may take into account the views and facts furnished by the Director General and Inspector General of Police that may have a material bearing on the cases:

Provided that the State Police Complaints Authority shall not have jurisdiction on the complaint against police officer where a separate authority is created by any other Act for this purpose.

(9) On completion of the enquiry, if the allegations are proved partly or fully, the State Police Complaints Authority shall forward its report to the disciplinary authority for appropriate action against the accused officers.

(10) The State Police Complaints Authority shall also supervise, monitor and control the functioning of District Police Complaints Authorities. It shall compile Annual Report of the functioning of State Police Complaints Authority and District Police Complaints Authorities and submit to the Government. The annual report shall contain,-

- (a) the numbers and types of cases of "serious misconduct" and "misconduct" considered by the State Police Complaints Authority during the year;
- (b) the number and types of cases of "serious misconduct" referred to it by the complainants upon being dissatisfied by the departmental inquiry into his complaint ;
- (c) the number and types of cases referred to above in which advice or direction was issued by it to the police for further action;
- (d) such other related Administrative and financial matters as may be prescribed.

**10D. District Police Complaints Authority.-** (1) The Government shall in consultation with State Police Complaints Authority, by notification in the official Gazette, constitute the District Police Complaints Authority under the chairmanship of the Regional Commissioner of the Region and three other members, namely:-

- (i) one member of retired Civil Service shall be an officer not below the rank of Joint Secretary to Government;
- (ii) one member shall be from the Civil Society. The Civil Society member shall be chosen by the State Government from amongst the panel of three names recommended by the Search Committee consisting of three persons one each representing the Human Rights Commission, Karnataka Public Service Commission and the Lokayukta. The State Government shall appoint one of the members as Chairman of the Search Committee and an officer not below the rank of Deputy Secretary to Government, Home Department as convener of the Committee. The persons in the

panel shall be a person of repute who has rendered humanitarian service in the field of education, health, upliftment of the poor etc. and had not aligned himself with any political party or ideological group; and

(iii) the Superintendent of Police in charge of the District shall be ex-officio member and member Secretary of the Authority.

(2) A person shall be disqualified for being appointed as member if he:-

- (a) has directly or indirectly associated himself with any Anti Social or Anti National group or body;
- (b) has been convicted and sentenced to imprisonment for an offence which, in the opinion of the State Government, involves moral turpitude; or
- (c) is an undischarged insolvent; or
- (d) is of unsound mind and stands so declared by a competent court; or
- (e) has such other disqualifications as may be prescribed by the State Government.

(3) Every member of the District Police Complaints Authority other than the ex-officio member shall hold office for a period of three years.

(4) The salary or honorarium and other allowances payable to, and the other terms and conditions of service of the non-official members of the District Police Complaints Authority shall be such as may be prescribed.

(5) It shall be the duty of the district police complaints authority to ensure that all its members and their staff are regularly trained, inter alia about:-

- (a) technical and legal issues related to departmental inquiries;
- (b) specific forms of human rights violation; and
- (c) appropriate handling of victims of police abuse.

(6) Necessary staff required for the functioning of the District Police Complaints Authority shall be provided by Government.

(7) The District Police Complaints Authority shall look into complaints against police officers of an rank below the rank of Deputy Superintendent of Police and take cognizance of allegations of serious misconduct by the police officers, which would include incidents involving death, grievous hurt or rape in police custody.

(8) The District Police Complaints Authority shall,-

- (a) have the power to enquire into misconduct or abuse of power by or against police officers of an rank below the rank of Deputy Superintendent of Police after giving an opportunity of being heard to him. The Authority shall have the power to investigate any case itself or ask any other agency to investigate and submit a report. The District Police Complaints Authorities shall submit its report to the competent disciplinary authority for appropriate action against the accused officers;
- (b) if the complaint contains allegations against any police officer of or above the rank of Deputy Superintendent of Police the District Police Complaints Authority, shall forward the same to the State Complaints Authority, for further action;
- (c) forward the complaints of "serious misconduct", received directly by it, to the State Police Complaints Authority for further action;



Provided that District Police Complaints Authority shall not have jurisdiction on the complaints against the police officers where a separate authority is created by any other Act for this purpose.

(9) Each District police Complaints Authority shall prepare and submit to the State police complaints Authority an annual report before the end of each calendar year, inter alia, containing:-

- (a) the numbers and types of cases of "serious misconduct" and "misconduct" forwarded by it to the State Police Complaints Authority during the year;
- (b) the number and types of cases of "misconduct" referred to it by the complainants upon being dissatisfied by the departmental inquiry into his complaint;
- (c) the number and types of cases referred to in clause (b) above in which advice or direction was issued by it to the police for further action;
- (d) such other related administrative and financial matters as may be prescribed.

**20E. Powers of the State Police Complaints Authority and District Police Complaints Authority.** The State Police Complaints Authority and District Police Complaints Authority shall, while investigating any matter under this Act, have all the powers of a civil court in trying a suit and in particular, in respect of the following matters, namely:-

- (a) summoning and enforcing the attendance of any person from any part of the State and examining him on oath;
- (b) requiring the discovery and production of any document;
- (c) receiving evidence on affidavits;
- (d) requisitioning any public record or copy there of from any court or office;
- (e) issuing Commissions for the examination of witnesses and documents; and
- (f) any other matter which may be prescribed."

**20F. Tenure of officers incharge of police stations, circle, sub-division, district and range - (1)** Subject to superannuation, the officers who are in operational duties and incharge of Police station Circle, Sub-division may have a minimum tenure of one year:

Provided that any such officer may be transferred by the Police Establishment Board or by the Government in consultation with the Police Establishment Board, from his post before the expiry of the above minimum tenure consequent upon,-

- (a) promotion to a higher post; or
- (b) on conviction, or charges having been framed by a court of Law in a criminal offence;
- (c) imposition of punishment of dismissal, removal, discharge or compulsory retirement from service or of reduction to a lower rank awarded under the relevant discipline and Appeal Rules; or
- (d) suspension from the Service in accordance with the provisions of the said rules; or
- (e) incapacitation by physical or mental illness or otherwise becoming unable to discharge his functions and duties; or
- (f) the need to fill up a vacancy caused by promotion, transfer or retirement; or
- (g) on request of the officer concerned in writing:

Provided further that the Government may, after consultation with the Police Establishment Board, may transfer an officer before the expiry of his tenure on account of misconduct or gross negligence or an act of moral turpitude.

(2) Subject to superannuation, the Inspector General of Police in charge of Range or Superintendent of Police in charge of a District including Additional Superintendent of Police who are on operational duties in the field shall have a minimum tenure of one year:

Provided that the Government may transfer an officer of the above category within a period of one year for reasons of gross misconduct or negligence or an act of moral turpitude or under circumstances enumerated in the proviso to sub-section (1).

**20G. Units in a Police station.-** (1) The Police station shall be headed by a Station House officer not below the rank of an Inspector of Police or Sub-Inspector of Police as the Government may by order determine.

(2) In each police station there shall be two units, namely:-

- (a) one exclusively dealing with crime investigation consisting of such number of police officers as Director General of Police and Inspector General of Police may by order determine to deal with detection and investigation of crime; and
- (b) another unit dealing with Law and Order consisting of such number of police officers as may be determined by the Director General of Police and Inspector General of Police by order, for the purpose of maintenance of Law and Order, traffic and prevention of crimes:

Provided that in any Police Station where the average annual number of crimes registered exceeds such number as prescribed, there shall be two Police Sub-Inspectors or Inspectors of Police, as the case may be one each for crime investigation and law and order units separately:

Provided further that the police personnel assigned to either of the unit shall not be deployed for any other purpose without the written permission of the Superintendent of Police of the District or the Commissioner of Police as the case may be."

**4. Repeal and savings.-** (1) The Karnataka Police (Amendment) Ordinance, 2012 (Karnataka Ordinance.No. 2 of 2012) is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

By Order and in the name of the Governor of Karnataka

**G.K. BOREGOWDA**  
Secretary to Government,  
Department of Parliamentary Affairs and Legislation