

HARYANA VIDHAN SABHA

Bill No. 24— HLA OF 2022

THE HARYANA POLICE (AMENDMENT) BILL, 2022
(as reported by the Select Committee)

A

BILL

further to amend the Haryana Police Act, 2007.

Be it enacted by the Legislature of the State of Haryana in the Seventy- third Year of the Republic of India as follows:—

1. This Act may be called the Haryana Police (Amendment) Act, 2022.

Short title.

2. For section 65 of the Haryana Police Act, 2007 (hereinafter called the principal Act), the following section shall be substituted, namely:—

Substitution of section 65 of Haryana Act 25 of 2008.

“65. Functions of Authority. — (1) The Authority shall inquire into allegations of serious misconduct as detailed below against police personnel of the rank of Deputy Superintendent of Police and above, either suo moto or on a complaint received from,—

- (a) a victim or any person on his behalf on a sworn affidavit;
- (b) the National or State Human Rights Commission.

Explanation.— “serious misconduct” for the purpose of this Chapter shall mean any act of a police officer that amounts to:

- (a) death in police custody;
- (b) rape in police custody;
- (c) grievous hurt in police custody;
- (d) custody or detention without due process of law;
- (e) extortion;
- (f) acquiring property through coercion;
- (g) involvement of police personnel in organized crime:

Provided that the Authority shall inquire into a complaint of such arrest or detention, only if it is satisfied prima facie about the veracity of the complaint:

Provided further that no anonymous, synonymous and pseudonymous complaints shall be entertained.

(2) The Authority shall not enquire into-

- (i) any matter where a report under section 173 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) has been filed in an appropriate court;

- (ii) any matter pending or that has already been dealt with by the National Human Rights Commission/State Human Rights Commission/National Commission for Scheduled Castes/State Commission for Scheduled Castes/ National Commission for Women/State Commission for Women/National Commission for Minorities/State Commission for Minorities or State Lokayukta;
- (iii) any matter falling within its jurisdiction after more than three years of its alleged occurrence;
- (iv) any matter arising out of use of force by the police authorities in dealing with any unlawful assembly, protest, dharna, blockage of any public passage or disruption of essential services.

(3) The Authority may also inquire into any other case referred to it by the Director General of Police or the State Government.

(4) The Authority shall decide the complaint within a period of six months from the date of its receipt.”.

Amendment of section 68C of Haryana Act 25 of 2008.

3. In section 68C of the principal Act,-

- (i) in sub-section (1), the words “either suo moto or” shall be omitted;
- (ii) for clauses (ii) and (iii) of sub-section (2), the following clauses shall be substituted, namely:-

“(ii) any matter pending or has already been dealt with by the National Human Rights Commission/State Human Rights Commission/National Commission for Scheduled Castes/State Commission for Scheduled Castes/National Commission for Women/State Commission for Women/National Commission for Minorities/State Commission for Minorities or State Lokayukta;

- (iii) any matter falling within its jurisdiction after more than three years of its alleged occurrence;”.

Chandigarh :
The 22nd February, 2023.

R.K. NANDAL,
Secretary.

N.B.— The above Bill as reported by the Select Committee along with its report was published in the Haryana Government Gazette (Extraordinary), dated the 22nd February, 2023, under Rule 148 of the Rules of Procedure and Conduct of Business in the Haryana Legislative Assembly.