

THE DELHI POLICE (MISCELLANEOUS MATTERS) RULES, 1980

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Notification No. F. 10/53/80-Home(P/Estt, dated 29th December, 1980.-Rules governing claims for disposal of property and other miscellaneous matters under Section 147 of the Delhi Police Act, 1978.

1. Nomenclature

In exercise of the powers conferred by Section 147 of the Delhi Police Act, 1978, the Administrator is pleased to make the rules with respect to the following matters enumerated in clauses (f), (g), (i), (j) and (k) of sub-section (2) of Section 147 of the said Act, namely-

- (i) determination of the cost of employing additional police under sub-section (2) of Section 38;
- (ii) manner of taking measurements and photographs under Section 55 of a person against whom an order has been made under Section 46, Section 47 or Section 48;
- (iii) form of receipt to be given in respect of any article detained under Section 62;
- (iv) the authority to whose satisfaction claims are to be established under sub-section (2) of Section 69 and the form and manner in which claims may be made under that sub-section, the procedure for dealing with such claims and all others; matters connected therewith under sub-section (3) of that section;

- (v) payment to any police officer or division among two or more police officers, the whole or any portion of any reward, forfeiture or penalty, under the proviso to Section 132.

2. They shall be called the Delhi Police (Miscellaneous Matters) Rules, 1980.

3. Applicability

They shall come into force with effect from the date of their publication in the Delhi Gazette.

4. Determination of cost of Additional Police [Section 147(2) (f) of Delhi Police Act, 1978]

The cost of additional police to be employed under Section 38 of the Delhi Police Act shall be worked out as under-

- (a) Total of emoluments, including average pay, Dearness allowances, Washing Allowance, Metropolitan Allowance, City Compensatory Allowance, House Rent allowance plus expenditure on clothing, equipment, conveyance, leave contribution pension and contingencies, shall be worked out on monthly basis and divided by 30 to calculate daily per capita charges.
- (b) The daily charges shall mean charges for 5 hours duty during day or 4 hours duty during night.
- (c) The charges shall be doubled where the duty lasts for more than the above prescribed hours.
- (d) The entire cost shall be deposited by the person making the request in advance.
- [(e) Where the person on whose application additional police force has been deployed, makes a written request that the police force so deployed may be removed, such request may be accepted by the Deputy Commissioner of Police concerned subject to the condition that the advance payment made by the person shall not be refunded after deducting the charges in respect of the deployed force for a period of 24 hours from the date and time when the request is received by the Dy. Commissioner of Police.]

5. Taking measurement and photographs etc. of persons against whom action under Sections 46, 47 & 48 of Delhi Police Act, 1978 is taken [Section 147(2)(g)]

(1) Whenever an order is passed against a person(s) in Delhi under Sections 46, 47 or 48 of the Delhi Police Act, such person(s) shall be liable to be photographed, measured and to give his give his finger prints, etc. to the police at a time and place to be determined by the Station House Officer concerned in the following manner-¹

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- (a) photographed from whichever angle and in whatever costume it is considered necessary; provided that in the case of female extraneous due regard to modesty shall be kept,
 - (b) height and chest shall be measured and identification marks noted down (Chest measurements in case of females shall not be taken);
 - (c) finger prints and thumb impressions shall be taken; and
 - (d) a complete descriptive roll shall be prepared for police record.
- (2) Whenever any person(s) to be photographed/measured etc., as laid down in sub-rule (1) above is woman, such measurement/photographs, etc., shall invariably be taken in the presence of a member of woman police and two respectable ladies.

6. Form of receipt to be given in respect of articles detailed under Section 62 [Item (i) of sub-section (2) of Section 147.]

Whenever any article or property is detained by a police officer under Section 62 of the Delhi Police Act, 1978, the said Police Officer shall prepare a receipt in Form I, in duplicate. One copy of the receipt shall be handed over to the person from whose possession the article or articles have been detained and the second copy shall be deposited in the malkhana along with the articles. A detailed report regarding detention of the article shall also be entered in the daily diary of the Police Station concerned simultaneously.

7. Prescribed Authority for Claims Under Section 62 of the Delhi Police Act, 1978 [Item (i) of sub-section (2) of Section 447]

The prescribed authority means and includes the Deputy Commissioner of Police of a District/Deputy Commissioner of Police, Palam and Deputy Commissioner of Police Crime and Railways as the case may be and Additional Commissioner of Police, in charge of the District/Unit concerned.

8. Form of submitting Claims [Item (j) of sub-section (2) of Section 147]

The claim under sub-section (2) of Section 69 of the Delhi Police Act, 1978 shall be submitted by the person concerned in Form 11.

9. Manner of submitting claims [Item (g) of sub-section (2) of Section 147]

(i) The person claiming compensation shall apply to the Deputy Commissioner of Police, Old Police Lines in the prescribed form. The Deputy Commissioner of Police (Lines) shall forward the application to the Deputy Commissioner of Police in whose jurisdiction the property was found intimating the expenditure incurred by the State on the transportation, storage and auction of the property for which compensation is claimed; date of its auction and the amount credited to Government's account as a result thereof. The Deputy Commissioner of Police of the Dist./Unit concerned shall verify the claim with reference to his own record for final assessment and issue payment of compensation orders.

(ii) While assessing the claim, the Deputy Commissioner of Police of the District/Unit concerned shall keep the following facts in view-

- (a) Cost incurred by the police department on transportation, storage and auction is recovered from the claimant.
- (b) Where the claim is preferred by a Government Department except a State Government, Defence, P & T and Railway, the charges incurred by the Police department on storage, transportation, organising auction may not be recovered.
- (c) The cost of transport, storage and auction shall be calculated in accordance with the instructions to be issued by the Commissioner of Police from time to time.
- (d) The total amount of the accepted claim shall not exceed the amount realised by way of auction of the property for which compensation is claimed.

[The cost of transportation, stores and auction etc. shall be deducted from the sale proceeds received in auction of property, while settling the claims.]

- (e) The orders regarding net payment to be made to the claimant shall be issued by the Deputy Commissioner of Police concerned. The amount will be drawn under head- "Reward in Public" through a contingent bill and sent to the Deputy Commissioner of Police Lines for disbursement to the claimant under proper receipt.

10. Payment of whole or portion of reward, forfeiture or penalty to Police Officers [Item K of Sub-section (2) of Section 147]

Whenever, any reward, forfeiture and penalty is sought to be paid to a Police Officer(s) for special service under section 132 of the Delhi Police Act, 1978 the Commissioner of Police, the Additional Commissioner of Police and the Deputy Commissioner of Police shall be competent to pay to a Police Officer or divide amongst two or more Police Officers, the said reward, forfeiture and penalty as follows²-

(a) Dy. Commissioner of Police : If the total value of the reward, forfeiture or penalty is Rs. 1000 or below.

(b) Addl. Commissioner of Police: If the total value of the reward, forfeiture or penalty is Rs. 5000 or below.

(c) Commissioner of Police : Full Powers.

(ii) The proportion of division of the amount of reward, forfeiture or penalty amongst two or more police officers shall be determined by the Commissioner, Addl. Commissioner or the Deputy Commissioner of Police as the case may be as indicated above keeping in view the contribution of each in the concerned case.

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