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తెలంగాణ రాజపత్రము
THE TELANGANA GAZETTE
PART IV-A EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 16] HYDERABAD, SATURDAY, DECEMBER 17, 2016.

TELANGANA BILLS
TELANGANA LEGISLATIVE ASSEMBLY

The following Bill was introduced in the Telangana Legislative Assembly on 17th December, 2016.

L.A. BILL No. 16 OF 2016.

A BILL TO PROVIDE FOR THE ESTABLISHMENT OF NIZAMABAD POLICE COMMISSIONERATE FOR THE METROPOLITAN AREA OF NIZAMABAD AND FOR THE MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

Be it enacted by the Legislature of the State of Telangana in the Sixty-seventh year of the Republic of India as follows:

1. (1) This Act may be called the Nizamabad (Metropolitan Area) Police Act, 2016.

Short
title,
extent and
Commen-
cement.

[1]

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(2) It extends to the limits of Nizamabad Metropolitan Area, declared by the Government by notification.

(3) It shall be deemed to have been come into force with effect from 8th October, 2016.

Definitions. 2. (1) In this Act, unless the context otherwise requires,-

(a) the "Nizamabad Metropolitan Area" means, the areas notified by the Government in this behalf;

(b) "Commissioner" means, Commissioner of Police appointed by the Government under section 5 of the Act and the word "Commissionerate" shall be construed accordingly;

(c) "Collector and District Magistrate" means the District Collector and the District Magistrate of the concerned District.

(d) "Government" means, the State Government of Telangana;

(e) "Notification" means, a notification published in the Telangana Gazette and the word "notified" shall be construed accordingly;

(f) "Prescribed" means prescribed by rules under this Act.

Act IX of
1348 F.

(2) The words and expressions used in this Act and not defined, but defined in the Hyderabad City Police Act, 1348 F, shall have the meanings respectively assigned to them in the said Act.

3. (1) With effect from the commencement of this Act, the areas as notified by the Government as Nizamabad Metropolitan Area under section 8 of the Code of Criminal Procedure, 1973, shall be the Nizamabad Police Commissionerate for the purpose of this Act, and on such commencement the Nizamabad Police Commissionerate shall be deemed to have been established for the said Metropolitan Area of Nizamabad:

Establishment of Nizamabad Police Commissionerate for the Metropolitan Area of Nizamabad Central Act 2 of 1974.

Provided that the Government may, from time to time, after consultation with the Collector and District Magistrate and Commissioner, by notification in the Telangana Gazette, alter the limits of the Commissionerate constituted under this sub-section so as to include therein or to exclude there from the areas specified in the notification:

Provided further that the power to issue a notification under this sub-section shall be subject to previous publication.

(2) Subject to the provisions of sub-sections (3) and (4), the Telangana District Police Act, 1329F, shall with effect from the commencement of this Act, cease to apply to the Nizamabad Metropolitan Area.

Act X of 1329 F. 7.

(3) Such cessation shall not effect,-

(a) the previous operation of the Telangana District Police Act, 1329 F in respect of the areas within the Metropolitan area of Nizamabad;

Act X of 1329 F.

(b) any penalty, forfeiture or punishment incurred in respect of any offences committed under the provisions of the Telangana District Police Act, 1329 F; or

Act X of 1329 F.

(c) any investigation, legal proceedings or remedy in respect of such penalty, forfeiture or punishment and any such penalty, forfeiture or punishment may be imposed as if this Act had not been enacted.

Act X of
1329.

(4) Notwithstanding anything contained in sub-section(2), all notifications, rules, regulations, orders, directions, and powers made, issued or conferred under the provisions of the Telangana District Police Act, 1329 F, and in force at the commencement of this Act, shall so far as they are not inconsistent with the provisions of this Act continue to be in force in the Nizamabad Metropolitan Area, until they are replaced by the notification, rules, regulations, orders, directions and powers to be made or issued or conferred under this Act.

Organi-
sation of
Police.

4. (1) With effect from the date of commencement of this Act, the Police Force functioning in the Nizamabad Metropolitan area shall be deemed to be the Police Force of such Metropolitan area.

(2) Notwithstanding anything contained in sub-section (1), it shall be competent for the Government to appoint any Police Force as may be prescribed in this behalf from time to time.

Appoint-
ment
and
removal
of Police
Commis-
sioner.

5. (1) The control and supervision of Police Force specified under section 4 shall, subject to the orders of the Government, be vested in an officer, who shall be called the Commissioner of Nizamabad for the metropolitan area and who may, from time to time, be appointed and removed by the Government.

(2) The Headquarters of the Commissionerate shall be at Nizamabad or at such other place as may be notified.

(3) The Commissioner shall be designated as Commissioner of Police and Additional District Magistrate, Nizamabad.

6. (1) The Government may, from time to time, appoint one or more Deputy Commissioners and one or more Assistant Commissioners or may remove any Deputy Commissioner or Assistant Commissioner so appointed.

Appoint-
ment of
Deputy
Commis-
sioner
and
Assistant
Commis-
sioner.

(2) Every such Deputy Commissioner shall, subject to the orders of the Commissioner, be competent to exercise all powers or perform some of the duties which are required to be performed by the Commissioner under this Act or any other enactment for the time being in force, and every Assistant Commissioner of Police appointed under sub-section (1) shall exercise such powers or perform such duties as may from time to time be conferred upon or assigned to him by the Commissioner:

Provided that the Deputy Commissioner and Assistant Commissioner shall not exercise the powers regarding making rules for regulation of traffic and for preservation of orders and judicial powers of superior police officer, vested in the Commissioner.

7. (1) Save as otherwise expressly provided herein, all the provisions of the Hyderabad City Police Act, 1348 F, (herein after in this section called "the said Act") including the provisions relating to make rules for regulation of traffic and for preservation of orders and giving directions to public are hereby extended to and shall apply mutatis mutandis to the Nizamabad Commissionerate and the said Act shall, in relation to the Commissionerate be read and construed as if the provisions of the said Act had formed part of this Act.

Applica-
tion of
the
provi-
sions
of the
Hydera-
bad City
Police
Act,
1348 F.
Act IX of
1348 F.

(2) The Commissioner and the Deputy Commissioners of Police of Nizamabad Police Commissionerate shall exercise the powers of the District Magistrate under section 47 of the Hyderabad City Police Act, 1348 F in the limits of urban police stations as may be

Act IX of
1348 F.

notified by the Government, from time to time, in consultation with the Collector and District Magistrate / Commissioner of Police.

Act IX of
1348 F.

(3) For the purpose of facilitating the application of the provisions of the Hyderabad City Police Act, 1348 F to the Nizamabad Commissionerate, the Government may, by notification, make such adaptations and modifications of the said Act and rules, notifications, regulations, orders, directions made thereunder whether by way of repealing, amending or suspending any provision thereof as may be necessary or expedient and thereupon the said Act and the rules, notifications, regulations, orders and directions made thereunder, shall apply to the Nizamabad Commissionerate, subject to the adaptation and modifications so made.

(4) Notwithstanding that no provision or insufficient provision has been made under sub-section (3) for the adaptation of the provisions of the said Act, rules, notifications, regulations, orders and directions made thereunder, any Court, Tribunal or authority, required or empowered to enforce those provisions may, for the purpose of facilitating their application to the Commissionerate, construe these provisions in such manner, without affecting the substances, as may be necessary or proper in regard to the matter before the Court, Tribunal or Authority.

Power
to
remove
difficulty.

8. (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by notification in the Telangana Gazette do anything not inconsistent with such provisions which appear to them to be expedient or necessary for the purpose of removing the difficulty.

(2) Every notification issued under this section shall be laid before the Legislature of the State as soon as possible after it is issued and if the Legislature agrees in making any modification in the notification or in the

annulment of the notification, the notification shall thereafter have effect only in such modified form or stand annulled as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that notification.

9. The Government may, from time to time, give such directions not inconsistent with the provisions of the Act or the rules made thereunder to the Nizamabad Commissionerate as it may consider necessary for carrying out the purposes of this Act.

Power to give directions.

10. (1) The Government may, by notification, make rules for carrying out all or any of the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act shall immediately after it is made, be laid before the Legislature of the State, if it is in session and if it is not in session, in the session immediately following for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiration of the session in which it is so laid or the session immediately following the Legislature agrees in making any modification in the rule or in the annulment of the rule, the rule shall, from the date on which the modification or annulment is notified, have effect only in such modified form or shall stand annulled as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

11. In the Telangana District Police Act, 1329 F, in section 1, for the words "and the Karimnagar Metropolitan Area", the words " the Karimnagar Metropolitan Area and the Nizamabad Metropolitan Area" shall be substituted.

Amendment of Act X of 1329 Fasli.

12. The Nizamabad (Metropolitan Area) Police Ordinance, 2016 is hereby repealed.

Repeal of Ordinance 8 of 2016.

STATEMENT OF OBJECTS AND REASONS

Under sub-section (1) of section 8 of the Code of Criminal Procedure, 1973, the Government is empowered to declare any area in the State comprising a City or Town whose population exceeds one million, as a Metropolitan area;

And whereas, in view of the rapid urbanization, the Government, in exercise of the powers conferred under sub-section (1) of section 8 of the Code of Criminal Procedure, 1973, have in G.O.Ms.No. 163, Home (Legal) Department dated: 26.9.2016, declare that the police stations under the Zones viz., Nizamabad, Armoor, Bhodhan Divisions of Nizamabad as Metropolitan Area of Nizamabad for the purpose of the said code.

And whereas, from the point of view of prevention of crime, maintenance of law and order and to tackle problems of growing urbanization, the Government have decided to establish a separate Commissionerate to maintain the law and order in the Nizamabad Metropolitan Area, from the point of view of the administrative convenience and geographic back-ground.

And whereas, it has been decided to give effect to the above decision immediately;

As the Legislature of the State was not then in session the Governor of Telangana Promulgated the Nizamabad (Metropolitan Area) Police Ordinance, 2016 (Telangana Ordinance No. 8 of 2016)

This Bill seeks to replace the said Ordinance.

NAYINI NARSIMHA REDDY,
Minister for Home and Labour.

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FINANCIAL MEMORANDUM

Due to introduction of the Telangana Ordinance No. 8 of 2016 for establishment of Nizamabad Police Commissionerate for the Metropolitan Area of Nizamabad, there will be immediate effect of Rs. 5.42 crores of Recurring expenditure and Rs. 11.32 Crores as Non-Recurring expenditure on the Consolidated Fund of the State.

NAYINI NARSIMHA REDDY,
Minister for Home and Labour.

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MEMORANDUM REGARDING DELEGATED LEGISLATIONS

Clauses 1, 2, 3, 4, 5, 7, 8 and 10 of the Bill authorizes the Government to issue notifications or to make rules in respect of matter specified therein and generally to carry out the purposes of the Act. All such rules do made or notifications issued which are intended to cover matters mostly of procedural in nature are to be laid on the Table of the Legislature of the State and will be subject to any modifications made by the Legislature.

The above provisions of the Act regarding Delegated Legislation are thus of normal type and are mainly intended to cover matters of procedure.

NAYINI NARSIMHA REDDY,
Minister for Home and Labour.

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**MEMORANDUM UNDER RULE 95 OF THE RULES OF
PROCEDURE AND CONDUCT OF BUSINESS IN THE
LEGISLATIVE ASSEMBLY.**

The Nizamabad (Metropolitan Area) Police Bill, 2016, after it is passed by both the houses of the Legislature of the State may be submitted to the Governor for his assent under article 200 of the Constitution of India.

NAYINI NARSIMHA REDDY,
Minister for Home and Labour.

Dr. S. RAJA SADARAM,
Secretary to State Legislature.