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Thirteenth Kerala Legislative Assembly

Bill No. 342

THE KERALA POLICE (AMENDMENT) BILL, 2015

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THE KERALA POLICE (AMENDMENT) BILL, 2015

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BILL

to amend the Kerala Police Act, 2011.

Preamble.—WHEREAS, it is expedient to amend the Kerala Police Act, 2011 for the purposes hereinafter appearing;

BE it enacted in the Sixty-sixth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Kerala Police (Amendment) Act, 2015.

(2) It shall come into force at once.

2. *Amendment of section 86.*—For sub-section (2) of section 86 of the Kerala Police Act, 2011 (8 of 2011), the following sub-section shall be substituted, namely:—

“(2) A person against whom a criminal case for an offence involving proclivity of violence or moral turpitude is pending before a court of law shall be entitled to appear for recruitment and to get selected for the appointment of police officers, but, he shall be entitled to the training and permanent appointment only after he is acquired.”

STATEMENT OF OBJECTS AND REASONS

As per sub-section (2) of section 86 of the Kerala Police Act, 2011 (8 of 2011), even if a criminal case for an offence involving proclivity of violence or moral turpitude is pending before a court of law against a person, he is entitled to appear for recruitment of police officers, to get selected and to undergo training. But, he is entitled for permanent appointment only after his acquittal. This has led to raising a claim by the candidates having pending criminal cases

as their right for the pre-appointment training. In the judgment pronounced by the Hon'ble High Court of Kerala on the 23rd March, 2012 disposing WP(C) 11777/2011 and other similar writ petitions on this subject, it has been clarified that if a person advised for appointment was facing trial in a criminal case, he would not be entitled to appear for pre-appointment training for appointment in the police force and is entitled to the training and permanent appointment only after his acquittal. In accordance with the directions in this judgment, the Government have decided to amend the said sub-section to provide that a person against whom a criminal case for an offence involving proclivity of violence or moral turpitude is pending before a court of law would be entitled to appear for recruitment for appointment of police officers and to get selected, but, he would be entitled to training and permanent appointment only after he is acquitted.

2. The Bill is intended to achieve the above object.

FINANCIAL MEMORANDUM

The Bill, if enacted and brought into operation, would not involve any additional expenditure from the Consolidated Fund of the State.

RAMESH CHIENNITHALA

EXTRACT FROM THE KERALA POLICE ACT, 2011
(8 OF 2011)

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86. *Disqualifications for appointment as a police officer.*—(1) No person shall be eligible for appointment as a police officer or shall have the right to continue in employment as a police officer if that person,—

(a) is not a citizen of India; or

(b) has been convicted by a court of law for an offence involving proclivity for violence or moral turpitude;

(c) is found mentally, physically or behaviourally unfit for carrying out the duties of police; or

(d) is a member of a political party and is not prepared to terminate his membership even after recruitment; or

(e) is an office bearer of any social, religious, cultural or scientific organization and is not prepared to give up or terminate such position even after instructions from Government, State Police Chief or the District Police Chief; or

(f) is or has been, a member of any banned organization.

(2) A person against whom a criminal case for an offence involving proclivity of violence or moral turpitude is pending before a court of law shall be entitled to appear for recruitment, to get selected and to undergo training but shall be entitled for permanent appointment only after being acquitted.

(3) A police officer, at any time after appointment is found belonging to any of the categories under (a) to (f) of sub-section (1), the appointing authority may immediately place the said officer under suspension and after giving reasonable opportunity to prove otherwise, dismiss, remove or compulsorily retire the officer as the case may be.

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