

DELHI SPECIAL POLICE ESTABLISHMENT ACT.1946

25 of 1946

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"In 1943 the Government of India set up a police staff called the Special Police Establishment (War Department) under the Special Police Establishment (War Department) Ordinance No. XXII of 1943 for the purpose of investigating offences of bribery and corruption connected with the Departments of the Central Government. The organisation has done useful work in the investigation of cases in which employees and contractors of the Central Government were invoked and in bringing offenders to book. The Government of India, with the advice of the Standing Committee of the Central Legislature for the Home Department has decided that it is necessary to retain this police staff on a permanent basis by means of legislation. The Special Police Establishment (War Department) Ordinance, No. XXII of 1943. lapsed on 30th September 1946 and necessary legislation could not be undertaken before that date. To avoid a break in continuity an Ordinance entitled the Delhi Special Police Establishment. 1946 (22 of 1946). was promulgated on the 25th September. 1946. which will remain in force up to 25th

March 1947. The object of this Bill is the retention of the special police staff as a permanent organisation by means of legislation. Under the terms of the proposed Bill the force will be able to conduct investigations in all Provinces with their consent. All Provincial Governments with the exception of Sind have agreed to the special police staff functioning in their jurisdiction."-Gazette of India, 1946. Pt. V. p. 257 (corrected p. 364).

1. Short title and extent :-

(1) This Act may be called the Delhi Special Police Establishment Act, 1946.

(2) It extends to [the whole of India], ¹ '[* * *].

1. Words "except the State of Jammu and Kashmir" which were substituted for the words "except Part B States" by the Part B States (Laws) Act, 1951 (3 of 1951), were omitted by the Jammu and Kashmir (Extension of Laws) Act, 1956 (62 of 1956). Section 2 and Schedule. The Act has been extended to the new Provinces and Merged States by the Merged States (Laws) Act, 1949 (59 of 1949). S. 3(1-1-1950) and to the Union Territories of Manipur, Tripura by the Union Territories (Laws) Act, 1950 ("V") of 1950). S.3 (16-4-1950). Jharkhand Pradesh. to which this Act was extended, now forms part of the State of Madhya Pradesh - SecAct37of1956.S. 9 (1) (e) (1-1-1956). Manipur and Tripura are also States now - See Act 81 of 1971. This Act has now been extended to the Union Territories of - (i) Goa, Daman and Diu. by Reg. 12 of 1962 (27-12-1962): Goa is now a State. (ii) Dadra and Nagar Haveli. by Reg. 6 of 1963 (1-7-1965): (iii) Pondicherry. by Reg. 7 of 1963 (1-10-1963). (iv) Laccadive, Minicoy and Amindivi Islands, by Reg. 8 of 1965. Now known as Lakshadweep Islands - See Act M of 1973. The Act has been applied to the Union Territory of Himachal Pradesh with effect from 25-12-1948-See the Himachal Pradesh (Application of Laws) Order, 1948, published in Gazette of India, 1949. Pt. 1. Sec. 1, p. 87: H.P. is now a State - See Act 53 of 1970. Before 1950. the Act was applied to - (i) Darjeeling district - See Calcutta Gazette, 20-3-1947. Pt. 1. p. 470; (ii) Chhota Nagpur Division and Santhal Parganas - See Bihar Gazette, 8-1-1947. Pt. II. p. 66: both these areas form part of Bihar State - See Act 37 of 1956. (iii) Khasi States including Shillong administered areas - See Assam Gazette, 7-12-1949. Pt. II. p. 1761. Now forming part of Meghalaya State - See Act 55 of 1969. S. 3 (2-1-1970).

2. Constitution and powers of special police establishment :-

(1) Notwithstanding anything in Police Act, 1861, the Central Government may constitute a special police force to be called the

Delhi Special Police Establishment ¹[* * *] for the investigation ²[in any ³[Union territory]] of offences notified under section 3 .

(2) Subject to any orders which the central Government may make in this behalf, members of the said police establishment shall have throughout ⁴(any ³[Union territory]) in relation to the investigation of such offences and arrest of persons concerned in such offences, all the powers, duties, privileges and liabilities which police officers of ⁶[that Union territory] have in connection with the investigation of offences committed therein.

(3) Any member of the said police establishment of or above the rank of Sub-Inspector may, subject to any orders which the Central Government may make in this behalf, exercise in ⁴[any ³ [Union territory]] any of the powers of the officer in charge of a police station in the area in which he is for the time being and when so exercising such powers shall, subject to any such orders as aforesaid, be deemed to be an officer in charge of a police station discharging the functions of such an officer within the limits of his station.

1. Words "for the State of Delhi" were omitted by the Delhi Special Police Establishment (Amendment) Act. 1952 (26 of 1952). S. 3 (6-3-1952).

2. Substituted for the words "in that State", the Delhi Special Police Establishment (Amendment) Act. 1952 (26 of 1952). S. 3 (6-3-1952).

3. Substituted for the words "Part C State " by 3 A.L.O.. 1956.

4. substituted for the words "the State of Delhi", A.L.O.. 1956.

6. Substituted for the words "that State", A.L.O.. 1956.

3. Offences to be investigated by special police establishment :-

The Central Government may, by notification ¹in the Official Gazette, specify the offences or classes of offences ² [* * *] which are to be investigated by the Delhi Special Police Establishment.

1. For some specifications of offences specified, see S.R.O. 2571. date 6-11-1956. published in Gazette of India. 1956. Parl II. Sec. 3. p.1863: G.S.R. 305. Gazette of India, 23-2-1963, Pt. II. Sec. 3 (i). p. 252: G.S.R.. 577. A.L.O.. 1956. 1964 Pt. II Section 3 (i), p. 616: S.O.2062. A.L.O.. 1956. 1965. Pt. II. Sec.3 (ii), p.2262: G.S.R. 358 A.L.O.. 1956. 1966. Pt. II, section* 3 (i).p.390: S.O. 3026, A.L.O.. 1956. 1966. Pt. II. Sec. 3 (ii), Extraordinary. p. 1439. S.O. 3977. A.L.O.. 1956. 1966. Pt. II, Sec. 3(ii). p. 3629: S.O. 4501. A.L.O.. 1956. 1967. Pt. II. Sec. 3 (ii), p.4745: S.O. 160

A.L.O.. 1956, 1969. Pt II . S. 3 (ii). p. 235; S.O.2448. A.L.O.. 1956 1970 Pt. II S. 3 (ii) p.3140 and S.Os. 2449.2453,A.L.O.. 1956. pp. 3141.3145' S.O. 2976. A.L.O.. 1956. 1970. Pt. II, S. 3 (ii). Ext. p. 1459 S.O. 160. A.L.O.. 1956, 1969. pt. U.S. 3 (ii) p 235: S.Os. 2448.2449. 2455. A.L.O.. 1956. 1970. Pt. II S. 3 (ii) pp. 3140.3141. 3146. S.O. 1465. A.L.O.. 1956, 1971. Pt. US. 3 (ii) p. 1763: S.O.s 682. 1663. A.L.O.. 1956. 1973. Pt. U.S. 3 (ii)pp. 1076.2127: S.Os. 18 (e). 495 (K). 496(E). A.L.O.. 1956. 1975. Pt. II. S.3 (ii) Ext.. pp.157. 1553. 1554: S.O. 225(E). A.L.O.. 1956-1976 Pt. II, S. 3 (ii) Ext.p.661: S.Os. .3481. 3007, A.L.O.. 1956. 1977. Pt. II. S. 3 (ii) pp.3916. 2479: S.Os. 442 (E.) A.L.O.. 1956 1978. Pt. II, S. 3 (ii) l;xl..p. 856: S.O. 1284/85. S.O. 3520/87. S.O. 2301/89. S.Os. 1316.1317.1318.711.241)4.2405.2406.2407,2479,3274/90. S.O. 593. 2594/92 and S.O. 252/93.

2. Words "committed in connection with matters concerning Departments of the Central Government" were omitted by the Delhi Special Police Establishment (Amendment) Act, 1952 (26 of 1952). S. 5 (6-3-1952).

4. Superintendence and administration of special police establishment :-

(1)The Super- intendence of the Delhi Special Police Establishment shall vest in the Central Government.

(2) The administration of the said police establishment shall vest in an officer appointed in this behalf by the Central Government who shall exercise in respect of that police establishment such of the powers exercisable by an Inspector- General of Police in respect of the police force in a ¹[State], as the Central Government may specify² in this behalf.

1. Substituted for the word 'Province' by A.L.O., 1950.

2. See S.R.O.2570. dated 31-10-1956. published in Gazette of India. 1956, Pt. II. Sec. 3, p. 1862.

5. Extension of powers and jurisdiction of special police establishment to other areas :-

(1) The Central Government may by order¹extend to any area (including Railway areas), ²[in ³[a State, not being a Union territory]] the powers and jurisdiction of members of the Delhi Special Police Establishment for lhc investigation of any offences or classes of offences specified in a notification under section 3 .

(2) When by an order under sub-section (1) the powers and jurisdiction of members of the said police establishment are

extended to any such area, a member there of may, subject to any orders which the Central Government may make in this behalf, discharge the functions of a police officer in that area and shall, while so discharging such functions, be deemed to be a member of a police force of that area and be vested with the powers, functions and privileges and be subject to the liabilities of a police officer belonging to that police force.

4 [(3) where any such order under sub-section (1) is made in relation to any area, then, without prejudice to the provisions of sub-section (2) any member of the Delhi Special Police Establishment of or above the rank of Sub-Inspector may subject to any orders which the Central Government may make in this behalf, exercise the powers of the officer in charge of a police station in that area and when so exercising such powers, shall be deemed to be an officer in charge of a police station discharging the functions of such an officer within the limits of his station.]

1. For some of the orders under this section, see O.S.R. 306, Gazette of India. 28-2-1963. p. 283: G.S.R. 578. dt. 11-4-1964. p. 617: S.O. 1183 dt. 17-4-1965. p. 1320: S.O. 2063. dt. 3-7-1965. p. 2262: S.O. 2557 dt. 21-8-1965. p. 2799: S.O. 2393. dt. 6-5-1966. p. 2321: S.O. 3978. dt. 31-12-1966. p. 3629: S.O. 2146. dt. 1-7-1967. p. 2183. which substitutes '-Punjab and Haryana' for '-Punjab' in G.S.R. 306: S.O. 1183, S.O. 2063. S.O. 2393, S.O. 760. dt. 4-3-1967. p. 588: S.Os. 3786.3787. dt. 28-10-1967, p. 4010: S.O. 4502. dt. 23-12-1967. P. 4745: S.O. 1442. dt. 27-4-1968. p. 1960: S.O. 3825, dt. 2-11-1968. p. 4872: S.O. 178, dt. 18-1-1969, p. 296: S.Os. 2450.2456.2453, dt. 25-7-1970. pp. 3142. 3143. 3144. 3146: S.O. 2977. dt. 7-9-1970. p. 1460: S.O. 2261. dt. 4-7-1970: p. 2907; S.O. 1466. dt. 3-4-1971. p. 1763: S.O. 19 (E). dt. 7-1-1975. p. 158: S.O. 226 (K) dt. 23-3-1976 p. 662: S.O. 1369. dt. 17-5-1980. p. 1398. S.O. 1748, 1749, 2295, 2296, 2297, 2298, 2299 and 2300/89. S.O. 1026. 1456/90. S.O. 521/91. S.O. 910(10/92).

2. Substituted for the words "in India outside the State of Delhi" by the Delhi Special Police Establishment (Amendment) Act. 1952 (26 of 1952). Section 5 (6-3-1952).

3. substituted for the words "a Part A State or a Part B State" by 3 A.L.O., 1956.

4. Inserted by the Anti-Corruption Laws (Amendment) Act. 1964 (40 of 1964). Section 5 (18-12-1964).

6. Consent of State Government to exercise of powers and jurisdiction :-

Nothing contained in section 5 shall be deemed to enable any member of the Delhi Special Police Establishment to exercise

powers and jurisdiction ¹in any area in ² [a State, not being a Union territory or railway area], without the consent of the Government of that State.]

1. See S.O. II, Gax. of India. 1971. Pt. II.S. 3 (ii) p. 18 for such a notification.

2. Substituted for the words "a Part A State or a Part U State not being a railway area " by 3 A.L.O, 1956.

7. Repeal of Ordinance 22 of 1946 :-

Repealed by the Repealing and Amending Act, 1950 (35 of 1950), S. 2 and Sch. I.]