

CYBERABAD (METROPOLITAN AREA)

POLICE ACT, 2004

The following Act of the Andhra Pradesh legislative Assembly received the assent of the Governor on the 3rd July, 2004 and the said assent hereby first published on the 5th July, 2004 in the Andhra Pradesh Gazette for general information.

[Act No.2 of 2004]

An Act to provide Establishment of Cyberabad Commissionerate for the Metropolitan Area of Cyberabad and the matters connected therewith or incidental thereto.

Whereas, under sub- section (1) of section 8 of the Code of Criminal Procedure, 1973, the Governments 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 G.O.Ms.No.354, Home Department, dated 15-11-2002, in exercise of the powers conferred under sub-section (1) of section 8 of the Code of Criminal procedure, 1973, have declared that the Police Stations under the sub- division of Alwal, Malkajigiri, Saroornagar, Rajendra Nagar, Bala Nagar, Traffic police Stations of Kukatpalli and L.B.Nagar traffic sub- division and the Central Crime Stations of Bala Nagar and Saroornagar crime sub-divisions as Metropolitan Area of Cyberabad.

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

Be it enacted by the legislative Assembly of the State of Andhra Pradesh in the Fifty-fifth Year of the Republic of India as follows:

1). Short title, extent and commencement.

(I) This Act may be called the Cyberabad (Metropolitan Area) Police Act, 2004.

(II) It extends to the limits to of Cyberabad metropolitan Area, declared by the Government may, by notification.

(III) It shall be deemed to have come into force with effect on and from 19th December, 2003.

2). Definitions.- in this Act, unless the context otherwise requires, -

- (1) (a) The word **“Cyberabad 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 to the Cyberabad Metropolitan Area and the word **“Commissionerate”** shall be construed accordingly;
- (c) **“Collector and District Magistrate”** means, the District Collector and the District Magistrate of Ranga reddy District;
- (d) **“Government”** means, the state Government of Andhra Pradesh;
- (e) **“Notification”** means, notification published in the Andhra Pradesh Gazette and the word **“notified”** shall be construed accordingly;
- (f) **“Prescribed”** means prescribed by rules under this this Act.

(2) All words and expressions used in this Act and not defined, but defined the Hyderabad City police Act, 1348-f (Act IX of 1348-F), shall have the meanings respectively assigned to them in the Act.

3). Establishment of Cyberabad police Commissionerate for the metropolitan Area of Cyberabad.

(1) With effect from the commencement of this Act, the areas as notified by the Government as Cyberabad Metropolitan Area under section 8 of the Criminal procedure Code,1973 (Central Act 2 of 1974), Shall be the Cyberabad police Commissionerate for the purpose of this Act, and on such commencement the Cyberabad police Commissionerate shall be deemed to have been established for the said metropolitan Area of Cyberabad:

Provided that the Government may, from time to time, after consultation with the Collector and District Magistrate and Commissioner, by notification in the Andhra Pradesh Gazette, alter the limits of the Commissionerate constituted under this sub-section so as to include therein are 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 Andhra Pradesh (Telangana Area) District Police Act, 1329-F (Act X of 1329-F), Shall with effect from the commencement of this Act, cease to apply to the Cyberabad Metropolitan Area.

(3) Such ceasor shall not effect :-

(a) The previous operation of the Andhra Pradesh (Telangana Area) District Police Act,1329-F, (Act X of 1329-F) in respect of the area comprises within the metropolitan Area of Cyberabad;

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

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

(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 Andhra Pradesh (Telangana Area) District Police Act, 1329-F, (Act X of 1329-F) and in the force at the commencement of this Act shall so for as they are not inconsistent with the provisions of this Act continue to be in force in the Cyberabad Metropolitan Area. Until they are replaced by the notification, rules, regulations, orders, directions and powers to the made are issued are conferred under this Act.

4. Organization of police:-

(1) With effect from the date of commencement of this Act, the police force functioning in the Cyberabad 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.

5. Appointment and removal of police commissioner.-

(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 Cyberabad 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 Hyderabad or at such other place as may be notified.

(3) The commissioner shall be designated as Commissioner of police and Additional District Magistrate, Cyberabad.

6.Appointment of Deputy Commissioner and Assistant Commissioner. –

(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.

(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 preformed 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 Officer, vested in the Commissioner.

7. Application of the provisions of the Hyderabad City Police Act 1348-F (Act IX of 1348-F).-

(1) Save as otherwise expressly provided herein, all the provisions of the Hyderabad City Police Act, 1348-F, (hereinafter 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 Cyberabad Commissionerate be read and construed as if the provision of the said Act had formed part of this Act.

(2) The commissioner and the Deputy Commissioners of police of Cyberabad Police Commissionerate shall exercise the powers of the District Magistrate under section 47 of the Hyderabad City Police Act, 1348-F (Act IX 1348-F) in the limits of urban Police stations as may be notified by the Collector, from time to time, be in consultation with the Collector and District Magistrate and Commissioner of Police.

(3) For the purpose of facilitating the application of the provisions of the Hyderabad City Police Act, 1348-F (Act IX of 1348-F) to the Cyberabad Commissionerate, the Government may, by notification, make such adaptations and modifications of the said Act and rules, notifications, regulations, orders, directions made there under 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 there under, shall apply to the Cyberabad Commissionerate, subject to the adaptations and modifications so made

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

8. Power to remove difficulty:-

(1) If any difficulty arises in giving the effect to the provisions of this Act, the Government may, by notification in the Andhra Pradesh 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 legislative Assembly of the state as soon as possible after it is issued and if the Legislative Assembly agree 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. Power to give directions:-

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 Cyberabad Commissioner as it may consider necessary for carrying out the purpose of this Act,

10. Power to make rules:-

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

(2) Every rule made under this act shall immediately after it is made, be laid before the Legislative Assembly 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 Legislative Assembly agrees in making any modification in the rule or in the 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. Amendment of Act X of 1329-F:-

In the Andhra Pradesh (Telangana Area) District Police Act, 1329-F, in section 1, for the words “ except the Hyderabad City Police Limits”, the words “expect the Hyderabad City Police Limits and the Cyberabad Metropolitan Area”, shall be substituted

12. Amendment of Act IX of 1348-F:-

In the Hyderabad City Police Act, 1348-F, (hereinafter referred to as the principal Act):-

(I) In section 26 of the Principal Act, in sub-section (8), for the expression “sections 75,76,77 of the code of Criminal Procedure, 1898” (Central Act V of 1898) the expression “section 70, 71 and 72 of the Code of Criminal Procedure, 1973” (Central Act 2 of 1974) shall be substituted;

(II) In section 30 of the principal Act, in clause (a), for the expression “section 54 of the Code of Criminal Procedure, 1898” the expression “sub-section (1) of section 41 of the Code of Criminal Procedure, 1973” shall be substituted;

(III) In section 36 of the principal Act, for the expression “section 42 of the Code of Criminal Procedure, 1898” in two places where it occurs, the expression “section 37 of the Code of Criminal Procedure , 1973” shall be substituted;

(IV) In section 47 of the principal Act:-

(a) In sub-section (1), for the expression “sections 94, 96, 97 and 98 of the Code of Criminal Procedure, 1898” the expression “section 91, 93(1), 93(2) and 94 of the Code of Criminal Procedure, 1973” shall be substituted.

(b) In sub-section (2), for the expression “the code of Criminal Procedure, 1898 (Central Act V of 1898)” the expression “the Code of Criminal Procedure, 1973(Central Act 2 of 1974)” shall be substituted;

(V) In section 48 of the Principal Act, in sub-section (1), for the expression “ section 161 of the Code of Criminal Procedure, 1898” the expression “section 161 of the Code of Criminal Procedure, 1973” shall be substituted;

(VI) In section 52 of the Principal Act, in clause ©, for the expression “section 59 of the Code of Criminal Procedure, 1898” the expression “section 43 of the Code of Criminal Procedure, 1973” shall be substituted;

(VII) In section 55 of the principal Act for the expression: the Code of Criminal Procedure, 1898” the expression “the Code of Criminal Procedure, 1973” shall be substituted;

(VIII) In section 79 of the Principal Act, in the proviso, for the expression “section 403 of the Code of Criminal Procedure 1898” the expression “section 300 of the Code of Criminal Procedure, 1973” shall be substituted.

13. Repeal of Ordinance 9 of 2003:-

The Cyberabad (Metropolitan Area) Police Ordinance, 2003 is hereby Repealed.