



HARYANA STATE LAW COMMISSION

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TWENTY SEVENTH REPORT

**Recommendation to amend Sections 65, 68
and 68C of the Haryana Police Act, 2007.**

Government of Haryana

HARYANA STATE LAW COMMISSION

**Justice H.S. Bhalla,
Chairperson**

**Mr. Inderjeet Mehta,
Member**

**Dr. Sarika Gupta,
Member**

**Ms. Sangita Vardhan,
Part-time Member**

**Mr. Sandeep Kumar,
Member Secretary**

**Mr. Bhupinder Singh,
Registrar**

Government of Haryana

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1st July, 2025

Prevention and control of crime and maintenance of public order is the first and foremost duty of the Government in the welfare State. The quality of criminal justice system in the country to a large extent depends upon the working of the police force because the police has vast powers to maintain law and order and to achieve this goal, the police has power to arrest the individual in cognizable offence, make search of any premises, seize the documents, etc. It was pointed out in so many cases that there has been

a general fall in the performance of the police as well as misuse of the powers by the police. Therefore, the Government of India in November, 1997, appointed National Police Commission for fresh examination of the role and performance of the police both as a law enforcing agency and as an institution to protect the rights of the citizens enshrined in the Constitution. In order to ensure that the police is made accountable essentially and primarily to the law of the land and the people. The National Police Commission recommended that there should be a Police Complaints Authority at the State as well as district level to examine the complaints from the public on police excesses, arbitrary arrests and detentions, false implications in criminal cases, custodial violence, etc. and for making necessary recommendations.

The Hon'ble Supreme Court of India in Writ Petition (Civil) No.310 of 1996, Parkash Singh & Ors. Vs. Union of India & Ors, decided on 22.09.2006 has held that the report and the recommendations of the National Law Commission have not been implemented in letter and spirit as there is urgent need for police reforms.

Consequently, the Haryana Police Act, 2007 was amended in 2014 and the provision regarding the functions of the State level and district level Police Complaints Authorities were given more powers to inquire into the allegations of “serious misconduct” against police personnel either suo moto or on a written complaint received from; -

- (a) a victim or any person on his behalf on a sworn affidavit; or
- (b) the National or State Human Rights Commission.

The definition “serious misconduct” was also given vide application. Thereafter, the Director General of Police, Haryana, has moved the proposal for amendments in Section 65 and Section 68 of the Haryana Police Act, 2007 (as amended upto date) which was analyzed by the Home Department and the Haryana Police (Amendments) Bill, 2025 was drafted by the Home Department as under: -

THE HARYANA POLICE (AMENDMENT) BILL, 2025

A

BILL

Further to amend the Haryana Police Act, 2007.

Be it enacted by the Legislature of the State of Haryana in the Seventy-sixth Year of the Republic of India as follows:

Short title

1. This Act may be called the HARYANA Police (Amendment) Act, 2025.

Substitution of section 65 of Haryana Police Act 25 of 2008

2. For section 65 of the Haryana Police Act, 2007 (hereinafter called the principal Act), the following section shall be substituted, namely: -

"65. Functions of Authority. - (1) The Authority shall inquire into allegations of serious misconduct as detailed below against police personnel of the rank of Deputy Superintendent of Police and above, on a written complaint received from any of the following: -

- (a) a victim or any person on his behalf on a sworn affidavit;
- (b) the National or State Human Rights Commission.

Explanation. -"serious misconduct" for the purpose of this Chapter shall mean any act of a police officer that amounts to:

- (a) death in police custody;
- (b) rape in police custody;
- (c) grievous hurt in police custody;
- (d) custody or detention without due process of law;
- (e) extortion;
- (f) acquiring property through coercion;
- (g) involvement of police personnel in organized crime:

Provided that the Authority shall inquire into a complaint of such arrest or detention, only if it is satisfied prima facie about the veracity of the compliant:

Provided further that no anonymous, synonymous and pseudonymous complaints shall be entertained.

(2) The Authority shall not enquire into-

- (i) any matter where a report under section 193 of the Bhartiya Nagarik Suraksha

Sanhita, 2023 (Section 173 of the Code of Criminal Procedure, 1973) has been filed in an appropriate court;

(ii) any matter pending or that has already been dealt with by the National Human Rights Commission/State Human Rights Commission/ National Commission for Scheduled Castes/State Commission for Scheduled Castes/ National Commission for Women/State Commission for Women/National Commission for Minorities/ State Commission for Minorities or State Lokayukta;

(iii) any matter falling within its jurisdiction after more than three years of its alleged occurrence;

(iv) any matter arising out of use of force by the police authorities in dealing with any unlawful assembly, protest, dharna, blockage of any public passage or disruption of essential services

(3) The Authority may also inquire into any other case referred to it by the Director General of Police or the State Government.

(4) The Authority shall decide the complaint within a period of six months from the date of its receipt."

Amendment of Section 68C of Haryana Act 25 of 2008.

3. In section 68 C of the principal Act,

(i) in sub-section (1), the words "either suo moto or" shall be omitted:

(ii) for clauses (ii) and (iii) of sub-section (2), the following clauses shall be substituted, namely: -

"(ii) any matter pending or that has already been dealt with by the National Human Rights Commission/State Human Rights Commission/National Commission for Scheduled Castes/State Commission for Scheduled Castes/ National Commission for Women/State Commission for Women/National Commission for Minorities/ State Commission for Minorities or State Lokayukta:

(iii) any matter falling within its jurisdiction after more than three years of its alleged occurrence;"

The Additional Chief Secretary to Government of Haryana, Home Department has sent the proposed Draft of the Haryana Police (Amendment) Bill, 2025 to the Haryana State Law Commission for advice.

The Haryana State Law Commission critically analyzed and minutely gone through the provisions of the Haryana Police Act, 2007, the Haryana Police (Amendment) Act, 2014 as well as the proposed Draft of the Haryana Police (Amendment) Act, 2025.

I. The Home Department, vide Draft of the Haryana Police (Amendment) Bill, 2025, proposed to curtail the powers of the State level as well as district level police complaint authority and also narrow down the definition of words "serious misconduct" on the part of police personnel. Firstly, in the Draft of the Haryana Police (Amendment) Bill, 2025, it was recommended to delete the words "**either suo moto**" in Section 65 (1) thereby to curtail the powers of the State level authority by withdrawing its power to suo moto enquire into the allegations of "serious misconduct" against police personnel.

The Haryana State Law Commission, after serious discussion on this matter, have come to the conclusion that this part of amendment, if allowed, will lead to make the authority powerless to enquire into the serious misconduct committed by the police personnel if came to light or brought to the notice of the authority because the police has vast powers to search, seize, arrest the individual in order to maintain law and order or in the investigation of any criminal offence alleged to be committed by the individual and as such, there is possibility of misuse of powers by the police. It has been held by the **Hon'ble Supreme Court in case 'Parkash Singh & Ors. Vs. Union of India & Ors. decided on 22.09.2006 (Civil Writ Petition No.310 of 1996)** that there has been a general fall in the performance of the police and instances have come to light where the police has misused its power and the National Police Commission has recommended that the police should be made accountable essentially and primarily to the law of the land and the people. Further, the innocent person especially living in country side do not come forward to lodge complaint against the police personnel because of fear that they shall be harassed or tortured or even may be

involved in false criminal cases. They avoid to lodge complaint against the police personnel; if they dare to come to report to the authority against the police personnel, they generally tell that their names and particulars should not be made public because of fear of being harassed later on by the police personnel. In such cases, if the “**suo moto**” power of the authority to enquire into the allegations of serious misconduct by the police personnel is withdrawn then there shall be great injustice to the general public particularly to poor and the innocent individuals.

Therefore, the Haryana State Law Commission is of the opinion that these words “**either suo moto or**” should not be deleted from the provisions of Section 65 as well as Section 68 of the Principal Act i.e. the Haryana Police Act, 2007 (Haryana Act No.25 of 2008);

II. In the proposed draft of the Haryana Police (Amendment) Bill, 2025, the department has proposed to amend the Explanation under Section 65(1) of the Principal Act thereby the department wants to amend the definition of “serious misconduct” by deleting words “**attempt to rape**” in sub clause (b) of Explanation of Section 65(1) of the Principal Act.

The Haryana State Law Commission has critically analyzed the gravity of the offence of rape and attempt to rape and have come to the conclusion that attempt to rape is very serious offence particularly when this act is done in police custody because the police is meant to safeguard the dignity particularly the character of the person/individual in its custody that is why the Haryana Vidhan Sabha, vide the Haryana Police (Amendment) Act, 2014, has declared this offence i.e. attempt to rape in police custody as “serious misconduct” on the part of the police personnel and incorporated this offence in the definition of “serious misconduct” under Section 65 of the Haryana Police Act.

Therefore, the Haryana State Law Commission is of the opinion that the offence of “**attempt to rape**” in police custody shall remain as “serious misconduct” on the part of the Police personnel in the Explanation under Section 65(1) of the Haryana Police Act, 2007.

III. In the proposed Draft the Haryana Police (Amendment) Bill, 2025, the Home Department has proposed to delete clause (h) of Explanation under Section

65(1) of the Principal Act. In the proposed Draft, the sub-clause (h) runs as under: -

“(h) inaction by police official in any offence as defined in the Bhartiya Nyaya Sanhita, 2023 (Indian Penal Code, 1860) which attracts minimum punishment of ten years or more.”

shall be deleted.

The Haryana State Law Commission has thoroughly analyzed this provision in the light of the present prevailing situation and keeping in view the impact of deletion of this clause (h) from the Act and consequences thereof. It has been pointed out in various judgments of Supreme Court as well as High Courts of different States that action not taken at a proper time on the complaint lodged to the police in serious offences would result in serious irreparable consequences; for example if the offence of rape is committed with any female particularly unmarried or teenaged female and the matter was reported to the police, but the police did not take any action and in so many such cases, the victim particularly unmarried female was left with no option but to commit suicide. Similarly, in so many other serious offences when reported

to the police, but the police did not take timely action, the victim was threatened or even tortured by the accused party and was forced either to withdraw his complaint or to face serious consequences.

Therefore, the Law Commission is of the opinion that this provision i.e. clause (h) to Explanation under Section 65(1) has been rightly incorporated by the Haryana Vidhan Sabha through the Haryana Police (Amendment) Act, 2014 and as such, it shall not be deleted.

IV. The Home Department has proposed the provisions of Section 65(2), a provision regarding the matter which the authority shall not be empowered to enquire into, the Haryana State Law Commission agrees with this addition of sub-section (2) of Section 65 of the Haryana Police Act, 2007. However, in clause (iii) of sub-section (2), the Law Commission is of the opinion that the period shall be “five years” instead of “three years”.

V. The Haryana State Law Commission recommends that Section 68C (5) shall be substituted as under: -

“The District Police Complaint Authority shall

have powers to make recommendations to the concerned disciplinary authority and the disciplinary authority shall take appropriate action thereon.”

In the light of above discussion, the Haryana State Law Commission is of the opinion that the Draft Proposal for amendments in Section 65 and Section 68 of the Haryana Police Act, 2007 pertaining to powers and functions of the State Police Complaint Authority and the District Police Complaint Authority (in annotated form) shall be as under: -

Existing Provisions	Proposed Provisions
<p>Functions of Authority Section 65-</p> <p>(1) The Authority shall enquire into allegations of 'serious misconduct against police personnel of the rank of Deputy</p>	<p>Functions of Authority Section 65 –</p> <p>For Section 65 of the Haryana Police Act, 2007 (Haryana Act No. 25 of 2008) (hereinafter called the principal act) the following</p>

<p>Superintendent of Police and above as detailed below, either suo motu or on a complaint received from-</p> <p>(a) a victim any person on his behalf on a sworn affidavit;</p> <p>(b) the National or State Human Rights Commission.</p> <p><i>Explanation.</i> -"Serious misconduct" for the purpose of this Chapter shall mean any act or omission of a police officer that leads to or amounts to-</p> <p>(a) rape or attempt to commit rape;</p>	<p>section shall be substituted, namely-</p> <p>“Section 65 (1) The Authority shall inquire into allegations of “serious misconduct” against police personnel of the rank of Deputy Superintendent of Police and above as detailed below, either suo moto or on a written complaint received from any of the following: -</p> <p>(a) a victim or any person on his behalf on a sworn affidavit;</p> <p>(b) the National or State Human Rights Commission.</p> <p><i>Explanation:</i> - “serious misconduct” for the purpose</p>
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<p>(b) death in police custody,</p> <p>(c) grievous hurt;</p> <p>(d) custody or detention without due process of law;</p> <p>(e) extortion;</p> <p>(f) acquiring property through coercion;</p> <p>(g) involvement of police personnel in organized crime;</p> <p>(h) in action by police official in any offence as defined in the Indian Penal Code, 1860(45 of 1860) which attracts minimum punishment of ten years or more;</p> <p>Provided that the Authority shall inquire</p>	<p>of this Chapter shall mean any act of a police officer that amounts to: -</p> <p>(a) death in police custody;</p> <p>(b) rape or attempt to rape in police custody;</p> <p>(c) grievous hurt in police custody;</p> <p>(d) custody or detention without due process of law;</p> <p>(e) extortion;</p> <p>(f) acquiring property through coercion;</p> <p>(g) involvement of police personnel in organized crime;</p> <p>(h) willful inaction by police official in any offence as defined in the Bhartiya Nyaya Sanhita, 2023</p>
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<p>into a complaint of such arrest or detention, only if it is satisfied prima facie about the veracity of the complaint;</p> <p>Provided further that no anonymous, synonymous and pseudonymous complaints shall be entertained."</p>	<p>(Indian Penal Code, 1860) which attracts minimum punishment of ten years or more;</p> <p>Provided that the Authority shall inquire into a complaint of such arrest or detention, only if it is satisfied prima facie about the veracity of the complaint;</p> <p>Provided further that no anonymous, synonymous and pseudonymous complaints shall be entertained.</p> <p>(2) The Authority shall not enquire into –</p> <p>(i) any matter where a report under section 193 of the Bharatiya Nagrik Suraksha Sanhita, 2023</p>
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	<p>(Section 173 of the Code of Criminal Procedure, 1973) has been filed in an appropriate court.</p> <p>(ii) any matter pending or that has already been dealt with by the National Human Rights Commission /State Human Rights Commission/National Commission for Scheduled Castes/State Commission for Scheduled Castes/ National Commission for Women/State Commission for Women/National Commission for Minorities/ State</p>
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	<p>Commission for Minorities or State Lokayukta;</p> <p>(iii) any matter falling within its jurisdiction after more than five years of its alleged occurrence;</p> <p>(iv) any matter arising out of use of force by the police authorities in dealing with any unlawful assembly, protest, dharna, blockage of any public passage or disruption of essential services.</p> <p>(3) The Authority may also inquire into any other case referred to it by the Director General of Police or the State Government.</p>
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<p>68C. Functions of the District Police Complaint Authority: -</p> <p>(1) The District Police Compliant Authority shall inquire into allegations of serious misconduct against police personnel upto the rank of Inspectors either suo moto or on a complaint received from: -</p> <p>(a) a victim or any person on his behalf on a sworn affidavit;</p>	<p>(4) The Authority shall decide the complaint within a period of six months from the date of its receipt.</p> <p>68C. Functions of the District Police Complaint Authority; -</p> <p>In Section 68C of the Principal Act; -</p> <p>(i) in sub-Section (1), the words “either suo moto or” shall not be omitted and Section 65C (i) shall remain as under: -</p> <p>(1) The District Police Compliant Authority shall inquire into allegations of serious misconduct against police personnel upto the rank of Inspectors either suo moto</p>
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<p>(b) the National or State Human Right Commission.</p> <p><i>Explanation.-</i> "Serious misconduct" shall have the same meaning as assigned to it in section 65:</p> <p>Provided that no anonymous, synonymous and pseudonymous complaints shall be entertained:</p> <p>(2) The District Police Complaint Authority shall not enquire into-</p> <p>(i) any matter where a report under section 173 of the code of Criminal Procedure, 1973</p>	<p>or on a complaint received from: -</p> <p>(a) a victim or any person on his behalf on a sworn affidavit;</p> <p>(b) the National or State Human Right Commission.</p> <p><i>Explanation. –</i> "Serious misconduct" shall have the same meaning as assigned to it in section 65:</p> <p>Provided that no anonymous, synonymous and pseudonymous complaints shall be entertained:</p> <p>(2) The District Police Complaint Authority shall not enquire into-</p> <p>(i) any matter where a report under section 173</p>
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<p>(Central Act 2 of 1974) has been filed in an appropriate court;</p> <p>(ii) any matter pending in National Human Rights Commission/ State Human Rights Commission/ State Commission for Scheduled Castes;</p>	<p>of the code of Criminal Procedure, 1973 (Central Act 2 of 1974) has been filed in an appropriate court;</p> <p>(ii) any matter pending in National Human Rights Commission/ State Human Rights Commission/ State Commission for Scheduled Castes;</p> <p>(ii) for clause (ii) and (iii) of sub-section (2), the following clauses shall be substituted namely: -</p> <p>Section 68C (2) shall be substituted as under: -</p> <p>(2) The District Police Complaint Authority shall not enquire into: -</p>
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<p>(iii) any matter falling within its jurisdiction after more than one years of its alleged occurrence;</p>	<p>"(i) any matter where a report under Bhartiya Nagarik Suraksha Sanhita, 2023 (Section 173 of the Code of Criminal Procedure, 1973) has been filed in an appropriate court;</p> <p>(ii) any matter pending or has already been dealt with by the National Human Rights Commission/ State Human Rights Commission/National Commission for Scheduled Castes/State Commission for Scheduled Castes/ National Commission for Women/State</p>
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	<p>Commission for Women/National Commission for Minorities/State Commission for Minorities or State Lokayukta;</p> <p>(iii) any matter falling within its jurisdiction after more than three years of its alleged occurrence;</p> <p>(iv) any matter arising out of use of force by the police authorities in dealing with any unlawful assembly, protest, dharna, blockage of any public passage or disruption of essential services.”</p>
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<p>Section 68C (5): -</p> <p>“The District Police Complaint Authority shall have powers to make recommendations to the concerned disciplinary authority and it shall take appropriate action thereon.”</p>	<p>Section 68C (5) shall be substituted as under: -</p> <p>“The District Police Complaint Authority shall have powers to make recommendations to the concerned disciplinary authority and the disciplinary authority shall take appropriate action thereon.”</p>
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