

HARYANA GOVERNMENT
HOME DEPARTMENT

Notification

The 17th February, 2025

No. 12/252/2023-4HG-IV.-In compliance of the directions dated 14.06.2024 passed by the Hon'ble Punjab and Haryana, High Court in case CRWP No. 12562 of 2023 titled as Kajal versus State of Haryana and Others, the Governor of Haryana hereby frames the following guidelines:-

1. Background:-

The Hon'ble Supreme Court of India as well as the Hon'ble Punjab and Haryana High Court have been seized of the issue of providing protection to an individual or specially a run away couple. In Writ Petition (Civil) No.231 of 2010 titled as Shakti Vahini Vs Union of India, the Hon'ble Supreme Court of India vide order dated 23.03.2018 issued certain directions, which were circulated to all the concerned for strict compliance. Thereafter, in view of the directions issued by the Hon'ble Punjab and Haryana High Court in CRWP No.2428 of 2021 titled as Lovepreet Kaur and another V/s State of Punjab and others, a Standard Operating Procedure (SOP) was framed and circulated to all the concerned officers and the police field units to take necessary action. The said SOP was not exhaustive and all measures in accordance with law and directions issued by the Hon'ble Courts were required to be taken in order to ensure life and personal liberty of individual/run away couple. The present guidelines are in addition to the above directions/SOP, to provide for a procedure to be followed from stage of receipt of a representation made by an individual or a run away couple alleging threat to their life and liberty in such like matters. If any contradiction is found regarding implementation of the above directions, SOP or the present guidelines, a broader view shall be taken in consultation the superior officer immediately, to ensure the achievement of objective of these guidelines and compliance of directions of Hon'ble Courts in letter and spirit.

2. Scope:

The present guidelines also concern the issue of threat to an individual's life and liberty including run away couples. When an individual's life and liberty is under threat, the State authorities, being the first responders must act with swiftness, efficiency and with impartiality to address their grievance as failure to do so not only burdens the judiciary with preventable litigation but also dilutes the effectiveness of constitutional remedies. There is a strong probability of final and effective settlement of such matters at the first stage itself and only in a few cases, persons would approach the Court of law. This would not only save the precious time of the Courts but also of the aggrieved persons as well apart from litigation expenses, humiliation and harassment of the family.

3. Objective:

The purpose of the present guidelines is to provide for an effective procedure and fixing the accountability of the Officer concerned, who is entrusted with the representation to be inquired into within the stipulated time. A mechanism is being framed with the aim for expeditious inquiry consisting of facts finding and adjudication of the dispute at the administrative level, which are primarily in the nature of dissent of elders in a family to the wishes and desire of younger ones due to multifacet reasons. Each and every person, representing to the police authorities before approaching the Court of law with a prayer of seeking protection to his life and liberty, is required to be dealt with expeditiously with utmost urgency and tested within the time frame. It would ensure not only

transparency in decision-making but will also instill public faith in the State's ability to safeguard the Constitutional rights of such person.

4. Nodal Officer:

The Assistant Commissioner of Police, Women Safety, in the respective Police Commissionerate and the Deputy Superintendent of Police, Women Safety, in the respective District shall be the Nodal Officer, who shall be accountable for ensuring strict compliance to these guidelines as per the time frame stipulated hereinbelow. Where the post of Assistant Commissioner of Police, Women Safety or Deputy Superintendent of Police, Women Safety is not available or is vacant due to any reason, the concerned Commissioner of Police and the Superintendent of Police shall nominate one police officer not below the rank of Assistant Commissioner of Police or Deputy Superintendent of Police as the Nodal Officer for such Police Commissionerate and Police District respectively.

5. Submission of representation:

(i) A Police Officer not below the rank of Assistant Sub-Inspector at each Police Station to be nominated by the Station House Officer of respective Police Station in this behalf, shall inquire and look into the representation in accordance with law. Such police officer shall be either reporting at his own to the Nodal Officer of his District or said Nodal Officer may monitor stepwise dealing of such representations to ensure that the grievance is addressed efficaciously without any violation to the time frame being provided in these guidelines.

(ii) Any Police Officer, to whom the representation is addressed by the protection seekers shall mark the same to the Nodal officer, who shall forward the same to the police officer, in whose police station the relevant territory falls on that very day itself, without any delay for investigation and appropriate action.

6. Time limit for deciding the representation:

Such Police Officer shall decide the said representation after calling upon and providing opportunity of hearing to the representationist(s) as well as the persons against whom the allegations of causing threat have been made, after conducting an inquiry, within a period of three days from the receipt of representation by him.

7. Interim relief:

The Police Officer so entrusted to decide the representation at the first instance as per Clause-5 (i) shall have the power to take all necessary steps at the preliminary stage itself to provide shelter and protection, if so required by the representationist(s) immediately upon the receipt of such request, if he is prima facie of such opinion, so that during the conduct of such proceedings no harm is caused to the representationist(s) alleging threat perception.

8. Communication of orders:

(i) The order so passed by such Officer shall be well-reasoned and speaking, which shall be communicated to all the parties to the dispute free of cost on that very day.

(ii) A report shall also be sent to the Committee/special cell, constituted at every District HQ.

9. Appeal:

(i) The Deputy Commissioner of Police having jurisdiction in the respective Police Commissionerate and the Superintendent of Police in the respective district, shall be the Appellate Authority.

(ii) The aggrieved person may prefer an appeal before the Appellate Authority, against any order passed by the Police Officer at the first instance, within a period of three days, if so desired, failing which the order passed by the Police Officer at the first instance under Clause-8 shall attain finality.

10. Time limit for deciding the appeal:

The Appellate Authority shall take the decision on the appeal preferred before him/her after granting an opportunity of hearing to the parties in person or through their Advocates within the next seven days from the date of filing of such appeal. The Appellate Authority shall pass a detailed order with reasons in case of rejection or shall pass order issuing such directions to protect life and liberty of the aggrieved immediately, if he is satisfied and deems it necessary under the circumstances. A copy of such order shall also be supplied to all the parties to the dispute free of cost within one day from the date of decision.

11. Dedicated helpdesk:

There shall be a dedicated helpdesk at every district police office manned 24X7 to address representations concerning such threat to life and liberty, which shall maintain an electronic record qua the movement of each representation, specifying time and date of receipt, name of officer assigned, the stage of hearing and the status of the inquiry.

12. Review:

A quarterly meeting to review all such representations received, disposed and pending within his jurisdiction shall be taken by the concerned Commissioner of Police or Senior Superintendent of Police, as the case may be and a report of same shall be forwarded to the Director General of Police.

13. Supervision:

The Director General of Police also assess the compliance of these guidelines from time to time every quarter maintaining electronic record in his office as well.

14. Public awareness:

The above guidelines shall be uploaded on the official websites of the Police Department at State level and districts level. The general public shall be made aware about these guidelines and the mechanism to make representations to the concerned Police Officer in case of threat perception, through electric and print media. These guidelines shall also be put on Notice Boards at conspicuous places in the offices of all the police authorities.

15. Strict implementation:

All the concerned officers shall implement these guidelines in letter and spirit. Any lapse on part of any police officer shall be viewed seriously and action will be taken against the erring officers/officials, if any.

Misra

Dr. Sumita Misra, IAS;

Additional Chief Secretary to Government, Haryana,
Home Department

17/2/2025

Endst. No. 12/252/2023-4HG-IV

Dated:- 18-02-2025

A copy is forwarded to the following for information and necessary action.

1. The Director General of Police, Haryana, Panchkula.
2. The Director of Prosecution (General), Panchkula.
3. All the Inspector Generals of Police in Haryana.
4. All the Commissioners of Police in Haryana.
5. All the District Magistrates in Haryana.
6. All the Superintendents of Police in Haryana.
7. All the Deputy Commissioner of Police in Haryana.

Notification can also be downloaded from the website of Home Department: homeharyana.gov.in.

Dilbag Singh
Superintendent Home-IV

for Additional Chief Secretary to Government, Haryana
Home Department