

**THE MADHYA PRADESH SPECIAL POLICE ESTABLISHMENT
ACT, 1947
(M.P. ACT NO XVII of 1947)**

[Received the assent of the Governor on the 12 th May, 1947; assent first published in the “Central Province and Berar Gazette” on the 23 rd May, 1947].

An Act to make provisions for the constitution of a special police force for the investigation of certain offence affecting the public administration, for the superintendence and administration of the said force and jurisdiction of members of the said force in regard to the investigation of the said offences,

Preamble – Whereas, it is expedient to make provision for the constitution of a special Police force for the investigation of certain offence affecting the public administration, for the superintendence and administration of the said force and jurisdiction of members of the said force in regard to the investigation of the said offences.

Statement of Object and Reasons – The provincial Government has constituted a special Anti-Corruption Department to eradicate bribery and corruption. As the officers of this department will not be in charge of police station – houses some doubt is felt about their powers under the Criminal Procedure Code to investigate offences. The Bill is intended to remove these doubts and give the officers of this department the same powers of investigation as are at present exercised by station house officers.

It is here by enacted as follows :

1. **Short title, extent and commencement . :-**
 1. This Act may be cited as the Central Provinces and Berar Special Police Establishment Act, 1947
 - (2) It extends to and shall be in force in the whole of Madhya Pradesh.

2. **Constitution and powers of Special Police Establishment :-**
 - (1) Notwithstanding anything contained in the Police Act, 1861, the State Government may constitute a special police force to be called (Madhya Pradesh) Special Police Establishment for the investigation of offences notified under section 3.
Explanation – In this Section 'Investigation' shall have the same meaning as defined in Section 2 of the Code of Criminal Procedure, 1973 (No.2 of 1974)
 - (2) Subject to any orders which the State Government may make in this behalf, members of the said police establishment shall have, in relation to the investigation of such offences and arrest of persons concerned in such the investigation of such offences and arrest of persons concerned

in such offences all the powers, duties, privileges and liabilities which police officers have in connection with the investigation of offences.

- (3) Any members of the said Police Establishment of or above the rank of Sub-Inspector may, subject to any orders which the State Government may make in this behalf, exercise any of powers of an 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 function of such officer within the limits of his station.

3. **Offences to be investigated by Special Police Establishment :-** The State Government may, by notifications, specify the offences or classes of offences which are to be investigated by (Madhya Pradesh) Special Police Establishment.

- 4.(1) ¹[The Superintendence of investigation by the Madhya Pradesh Special Police Establishment] shall vest in the Lokayukt appointed under section 3 of the Madhya Pradesh Lokayukt Evam Up-Lokayukt Adhiniyam, 1981 (No. 37 of 1981).

- (1-a) Without prejudice to the generality of the power of Superintendence, the Lokayukt may call from the Director Special Police Establishment returns ²[and may issue general directions for regulating practice and procedure of investigation to be adopted by the Special Police Establishment].

- (2) The administration of the said Police establishment shall vest in the ³[Director General of Police], (Madhya Pradesh) who shall exercise in respect of that Police Establishment such of the powers exercisable by him in respect of the police force in Madhya Pradesh as the State Government may specify in this behalf.

¹ Substituted for the words "The Superintendence of Madhya Pradesh Special Police Establishment" by M.P. Special Police Establishment (Amendment) Act No. 25 of 2003.

² Substituted for the words "and may issue General directions for regulating practice and procedure to be adopted by the Special Police Establishment" by M.P. Special Police Establishment (Amendment) Act No. 25 of 2003.

³ Substituted for the words "Inspector General of Police (Madhya Pradesh)" by M.P. Special Police Establishment (Amendment) Act No. 25 of 2003.