GOVERNMENT OF PUDUCHERRY
Abstract

Home (Police) – Notification under Sections 175(4) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (Act 46 of 2023) – Notification - Orders – Issued.

HOME DEPARTMENT

G.O.Ms.No.26 **Puducherry, dated 06.05.2025**

Read: Notification in S.O. No. 2506(E), dated 28.06.2024 of the Joint Secretary to the Government of India, Ministry of Home Affairs, New Delhi.

ORDER:

The following Notification shall be published in the Extra-ordinary issue of the Official Gazette of the Government of Puducherry.

NOTIFICATION

The Lieutenant-Governor, Puducherry is pleased to notify the following guidelines to be followed with respect to a complaint against a public servant arising in the course of the discharge of his official duties under sub-section (4) of Section 175 Bharatiya Nagarik Suraksha Sanhita, 2023 namely:

(a) Any Magistrate empowered under Section 210, may, upon receiving a complaint against a public servant arising in course of the discharge of his official duties, order investigation, subject to (a) receiving a report containing facts and circumstances of the incident from the Officer superior to him, and (b) after consideration of the assertions made by the public servant as to the situation that led to the incident so alleged

(b) This provision provides for the procedure for investigation when a Magistrate receives a complaint under Section 210 of the BNSS, 2023 against a public servant. For ordering investigation under sub-section (4) of Section 175 of the BNSS, 2023, the Magistrate has to comply with the following requirements:-

(i) The Magistrate shall take a report from the superior officer of the public servant against whom a complaint has been made;

(ii) After receiving the above said report, from the Superior Officer, the Magistrate shall give an opportunity of hearing to the public servant against whom the complaint is filed;

(iii) During this hearing, the Magistrate shall ascertain the facts that has led to the incident so alleged; and

(iv) In support of the assertions, the public servant shall produce evidence including documents, if any, which led to that incident.

(c) After considering the material(s) on record, the Magistrate shall order for investigation, upon satisfaction of the following grounds-

(i) The incident alleged was in connection with the discharge of official duty of the public servant.

(ii) The assertions made by the public servant for the alleged incident are not satisfactory.

(iii) The report given by the Superior Officer is in tune with the allegations made in the complaint.

....2/-

(iv) A prima facie case is made out.

(v) In case, the Magistrate comes to the conclusion that the ground mentioned above are not fulfilled, he may not order for investigation.

// BY ORDER OF THE LIEUTENANT-GOVERNOR //

(Dr. SHARAT CHAUHAN)
CHIEF SECRETARY TO GOVERNMENT

To
The Director of Stationary & Printing — *with a request to send 10 copies of the Notification to this Department.*
Puducherry.

Copy to:

1. The Registrar General, High Court of Judicature at Madras, Chennai.
2. The Chief Judge, Puducherry.
3. The District Magistrate, Puducherry.
4. The Director General of Police, Puducherry.
5. The Secretary to Government (Law), Puducherry.
6. The Inspector General of Police, Puducherry.
7. The Senior Superintendent of Police (L&O)/(C&I)/(HQ), Puducherry.
8. The Superintendent of Police (North)/ (South)/ (East)/ (West) /Karaikal/Mahe /Yanam.
9. The Central Record Branch, Puducherry 10. G.O. File 11. Stock file

(M.V. HIRAN)
UNDER SECRETARY TO GOVERNMENT (Home)