

Police Act

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THE POLICE BILL

Preamble

A Bill to consolidate and amend the law for the regulation of the Police.

WHEREAS the Nation's founding faith is the primacy of the rule of law and the police must be organized to promote the dynamic rule of law and render impartial service to people;

AND WHEREAS the police has a paramount obligation and duty to function according to the requirements of the Constitution, law influences and yet accountable aspirations of the people;

AND WHEREAS such functioning of the police requires it to be professional and service oriented, and free from extraneous influences and yet accountable to the people;

AND WHEREAS it is necessary to provide the police with the appropriate powers to ensure its functioning as an efficient and effective agency for the above purposes;

AND WHEREAS it is necessary to consolidate and amend the law relating to the regulation of the police and exercise of powers and performance of functions by policemen for the investigation and prevention of crimes, maintenance of public order and security of State;

AND WHEREAS it is necessary to provide for certain other purposes, hereinafter appearing; it is hereby enacted as follows:-

POLICE ACT

CHAPTER I

PRELIMINARY

- 1 (1) This Act may be called the _____ Police Act.
(2) It extends to the whole of the _____.
(3) It shall come into force on such date as the Government may, by notification in the official Gazette, specify in this behalf.
- 2 In this Act, unless the context otherwise requires:-
- (a) 'cattle' include elephants, camels, horses, asses, mules, sheep, goats and swine;
 - (b) 'commission' means the State Security Commission constituted under section 29;
 - (c) 'competent authority' when used with reference to the exercise of any power or discharge of any duty under the provisions of this act, means:
 - (i) in respect to areas for which a Commissioner of Police is appointed under section 9, the Commissioner or the Additional Commissioner when specially empowered in that behalf by the State Government .
 - (ii) in relation to the areas other than those referred to in clause (i), the Superintendent or any other police officer specially empowered in that behalf by the State Government.
 - (d) 'corporation' means a municipal corporation constituted under the _____ Act. _____
 - (e) Director General, Inspector General, Special Inspector General, Additional Inspector General, Deputy /commissioner, Assistant Commissioner, Superintendent, Additional Superintendent, Assistant Superintendent and Deputy Superintendent means respectively the Director, inspector General of Police , a Special Inspector General of Police, an Additional Inspector General of Police, A Commissioner of Police, An Additional Commissioner of Police, A Deputy Inspector General of Police, including the Director of Police Wireless and Deputy Inspector General of Police appointed under section 13, a Deputy Commissioner of Police, a Superintendent of Police including a Superintendent of

police appointed under section 13 or 28, and Additional Superintendent of Police, an Assistant Superintendent of police, and a Deputy Superintendent of Police appointed or deemed to be appointed under this act.

- (f) 'district' means the territorial area declared under section 10 to be a district.
- (g) 'eating' house' means any place to which the public area admitted and where any kind of food or drink id\s supplied for consumption on the premises by any person owning, or having any interest in, or managing, such place and includes.—
- (i) A refreshment room, boarding house or coffee house. Or
 - (ii) a Shop where any kind of food or drink is supplied to the public for consumption in or near such shop, but does not include a place of public entertainment.;
 - (h) 'municipality' means a municipality or municipal borough established under any law for the time being in force in or any part of the State but does not include a municipal corporation.
- (i) 'place' includes-
 - (i) any building, tent, both or other erection, whether permanent or temporary ; and
 - (ii) any area, whether enclosed or open.
- (j) '_____ Police' or Police Force means the police force referred to in section 3 and includes.
 - (i) all persons appointed as special police officers under sub-section(1) of sanction 26 and additional police officers under section 27; and
 - (ii) all other persons, by whatever name known, who exercise any police function in any part of the State of _____.
- (k) 'place of public amusement' means any place where music, singing, dancing or game or any other amusement, diversion or recreation or the means of crying on the same is provided, to which the public are admitted either on payment of money or with the intention that money may be collected from those admitted and includes a race course, circus, theatre, music hall, billiard or bagatelle room, gymnasium. fencing school, swimming pool or dancing hall.
- (l)'place of public entertainment' means a lodging house, boarding and lodging house or residential hotel, and includes any eating house in which any kind of liquor or intoxicating drug is supplied (such as a tavern, a wine shop, a beer shop or spirit, arrack, toddy, ganja, bhang, or opium shop) to the public for consumption in or near such place.;

- (m) in relation to the areas other than those referred to in clause (i) the Superintendent or any other police officer specially empowered in that behalf by the State Government
- (n) 'police officer' means any member of _____ police;
- (o) 'prescribed' means any prescribed by rules;
 'public place' means any place to which the public have access whether as of right or not, and includes-
 - (i) a public building and monument and precincts thereof; and
 - (ii) any place accessible to the public for drawing water, washing or bathing or for purposes of recreation;
- (p) 'regulations' means regulations made under this Acts.
- (q) 'rules' means rules made under this act,
- (r) 'street' includes any highway, bridge, way over a causeway, viaduct or arch or any road, lane, footway, square, court, alley or passage accessible to the public, whether or not it is a thoroughfare.
- (s) 'subordinate ranks' means member of the police force of any below the rank of the Inspector;
- (t) 'vehicle' means any carriages, cart, van, dray. Truck. Handcart, or other conveyance or any conveyance of any description and includes a bicycle, tricycle, rickshaw, a motor vehicle, a vessel or an aero plane;

**CHAPTER II
ORGANIZATION OF THE POLICE FORCE**

3. There shall be one Police Force for the _____ and all members of for the police force shall be liable posting to any branch of the force including the Armed Police/ Armed Police Battalions.

4 Subject to the previous of this Acts—
 (a) the police force shall consist of such number in the several rank and have such organization and such powers function and duties as the State Government may by general or special orders.
 (b) The recruitment to and the pay, allowances and all other condition of service of the police force shall be such as may from time to time be determined by the state government by general or special orders.

Provided that nothing in clause (b) shall apply to the recruitment, pay allowances and other conditions of service of the members of Indian Police Service.

5 (1) For the direction and supervision of the Police Force , the State Director/Insp. Govt. shall* in the manner prescribed, appoint a director General Inspector General of police who shall exercise such powers and perform such functions and duties and shall have responsibilities and such authority as may be provided by or under this act or rules made there under.

(2) (a) The state Government may appoint one or more Inspector General or one or more Special Inspector General, one or more additional Inspector General and one or more Deputy Inspector General of Police

(b) The State Government may direct that any of the powers, function duties and responsibilities and the authority of the Director General/Inspector General may be exercised performed or discharged. as the case may be , by an Inspector General, a Special Inspector General or an Additional Inspector General or a Deputy Inspector General.

Provided that no such order shall deprive the Director General Inspector General of Police of his overall charge of any branch of the Police Force, so that the unity of command is not disrupted or damaged.

(c) The State Government may also by a general or special order direct that an Inspector General or a Special Inspector General or an Additional Inspector/ General or a Deputy

Inspector/General shall assist and aid the Director General /Inspector General in the performance, exercise and discharge of his powers, functions duties, responsibilities and authority in such manner and to such extent as may be specified in the order.

6 The State Government shall appoint a Director of prosecutions, to assist and aid of the Director General /Inspector General of Police.

7 The State Government may appoint a Personnel Adviser, a Financial Adviser, Police, Welfare adviser to assist and aid the Director General/ Inspector of Police

8 The term of office of Director General/Inspector General of Police appointed Director under the Act shall be four years from the date of his appointment.

Provided that the Director General /Inspector /General of Police may be removed from his post before the expiry of the tenure period, with the approval of the Commission or when the removal id consequent on

- (i) a punishment of dismissal/removal/ compulsory retirement from service or from service or reduction to a lower post awarded under the provisions of all India Services (Discipline and Appeal) Rules; or
- (ii) Suspension ordered under the previous of the above said Rules; or
- (iii) retirement from service on superannuation in the normal course; or
- (iv) promotion to a higher ranking post either under the State Government or the Central Government ,provided the officer had given his consent to the posting on promotion.

(2) An officer who has functioned as the Director General/Inspector General of Police, after his retirement from service, shall not be eligible for any employment under the Government of India or under the State Government or in any public undertaking in which Government of India or the State Government have a financial interest

9 (1) The State Government may appoint a Police Officer to be the Commissioner of Police for any area comprising a city or town specified in a notification issued by the State Government in this behalf and published in the Official

(2) The State Government may also appoint one or more Additional Commissioner of Police for the areas specified in clause (1).

(3) The commissioner shall exercise such powers, performs such functions and duties and shall have such responsibilities and authority as are provided by or under this Act or rules made there under.

Provided that any of the powers , functions , duties, responsibilities, or authority exercisable or to be performed or discharged by the Commissioner shall be exercised, performed or discharged subject to the control of the Director General /Inspector General.

(4) The State Government may , by general or special order, empower an additional Commissioner to exercise and perform in the areas for which a Commissioner is appointed under sub –section (1) all or any of the powers,functionsonr duties to be exercised or performed by Commissioner under this Act or under any law for the time being in force.

10.(1) The State Government may by notification declare that as from such date as be specified in the notification, any area in the State shall be a district for the purposes of this Act.

(2) The State Government may appoint for each District a Superintendent Deputy of Police and one o rmore Additional, Assistant and Deputy Superintendents of Police as it may think expedient .

(3) The state Government may, by a general or special order, empower an additional Superintendent to exercise and perform in the district for which he is appointed or in any part thereof, all or any of the powers, functions or duties to be exercised or performed by a Superintendent under this Act or under any law for the time being in force.

(4) The Superintendent may, with the previous permission of the Director General/Inspector General of Police, delegate any of the powers (except the power to make regulations and functions conferred on him by or under this Act to an Assistant or Deputy Superintendent.

11. The administration of the police throughout a district, or part thereof, shall be vested in the Superintendent of Police appointed under section 10.

12. (1) For the purpose of efficiency in the general administration of the district it shall be lawful for the officer, by whatever name he is called in the different States, coordinate functioning of the police with other agencies of the district administration in respect of the following:-

- (a) in matters relating to the promotion of land reforms and the settlement of land disputes;
- (b) in matters relating to the extensive disturbance of the public peace and tranquility in the district;
- (c) in matter relating to the conduct of electing to any public body;
- (d) in matters relating to handling of natural calamities, and the rehabilitation of the persons affected thereby;
- (e) in matters relating to situations arising out of any external aggression; and

(2) For the purpose of such coordination, the district officer, by whatever name he is called, may

- (a) call for information of a general or special nature, as and when required, from the police, and any other agency connected with the general administration of the district;
- (b) call for a report regarding the steps taken by the police or other agency to deal with the situation; and
- (c) give such directions in respect of the matter, as are considered necessary by him to the police and the concerned agency.

(3) The Superintendent of police of the head of the agency mentioned in sub-section (2) above shall render assistance of the authority specified in sub-section (1) for the purpose of coordination, as specified above.

Explanation:-

For the purposes of this section, coordination means to combine or integrate harmoniously.

13 (1) The State Government may appoint for the whole of the State or for any part thereof-

- (i) one or more Directors of Police Wireless and Deputy Inspector-General of Police for Police Wireless System hereinafter referred to as the Director of Police Wireless as it thinks fit and
- (ii) One or more Superintendents of Police, and Assistant and Deputy

Superintendents of Police as it thinks fit-

(a) for the Police Wireless Systems;
(b) for the Police Motor Transport system; or
(c) for the performance of such specific duties as the state Government may from time to time determine in this behalf.

(2) Any Director of Police Wireless and Superintendent so appointed shall exercise such powers and perform such functions as the state Government may from time to time assign to each or them, The Director may with the functions conferred on him by or under this Act to a Superintendent or to an Assistant or Deputy Superintendent, and the Superintendent may, subject to the like previous permission, delegate such powers and functions to an Assistant or Deputy Superintendent:

Provided that the powers and functions aforesaid shall be exercised or performed by the Director, Superintendent or Assistant or Deputy Superintendent, subject to the control of the Director General /Inspector General of Police.

Organization of common service.

14. The State Government may provide towards the provision of maintenance of, forensic science laboratories and such other organization and services as it may consider necessary or expedient for promoting of the efficiency of the police.

Organization of Research

15. The State Government may set up such bodies and take such other steps as appears it to be necessary or expedient for the purpose of undertaking research into matters affecting the efficiency of the police.

16. (1) The State Government may appoint any Police officer not below the rank of Superintendent to be the Principal of the Police Training College established by it. The State Government may assign to each of the principals aforesaid such powers, functions and duties as it may think fit.

(2) The State Government may appoint any Police officer not below the rank of and Assistant or Deputy Superintendents to be the Principal of any Police Training School established by it. An officer not below the rank of a Deputy Inspector-General authorized by the State Government in that behalf may, subject to the control of the state Government, assign to each principal so appointed such powers, functions and duties as he may think fit.

17. (1) The State Government may appoint one or more Deputy Commissioners of Police in any area in which a Commissioner has been appointed under sub-section (1) of section 9.

(2) Every such Deputy Commissioner shall under the orders of the Commissioners, exercise and perform any of the powers (except the power to make regulations) functions and duties of the Commissioner to be exercised or performed by him under the provisions of this Act or any other law for the time being in force in accordance with the general or special orders of the State Government made in this behalf.

18 (1) The State Government may appoint for any area for which a commissioner or police has been appointed under section 9 such number of Assistant Commissioners of Police as it may think expedient.

(2) An Assistant Commissioner appointed under sub-section (1) shall exercise such powers (except the power to make regulations) and perform such duties and functions as can be exercised or performed under the provisions of this Act or any other law for the time being in

force or as are assigned to him by the commissioner under the general or special orders of the State Government.

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19 (1) Subject to the control the state Government the Commissioner, s for

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area for which he is appointed and the Director –General /Inspector General of police for other areas , shall,

- (a) constitute within the area under his charge ,Police divisions,
- (b) sub-divide the same into ditions and
- (c) define the limits and extent of such divisions and sections.

(2) Each such division shall be in charge of an officer of a rank not below that of an Assistant Commissioner or Deputy Superintendent of Police, as the case may be and each section shall be in charge of an a rank not below that of an Inspector of Police

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20. Subject to the general or special orders of the state Government, the Commissioner for the area for which he is appointed and the Director General /Inspector General for other areas shall appoint Inspectors.

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21 Every member of the Police force enrolled under this Act shall on by appointment, make and subscribe before the Superintendent of Police or Force as the case may be or some person appointed in that behalf by him,

affirmation according to the form set out for the purpose in Schedule II.

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22 (1) Every police officer of the grade of Inspector or below , shall on appointment, receive a certificate in from provided in Schedule III. The certificate shall be issued under the seal of such officer as the State Government may by general or special order direct.

(2) A certificate of appointment shall become null and void whenever the person named therein ceases to belong to the Police Force or shall remain inoperative during the period within such person is suspended from such force.

suspension
e officer

23. The powers , functions and privileges vested in a police officer shall remain suspended whilst such police officer is under suspension from office:

Provided that notwithstanding such suspension such person shall not cease to be a Police officer and shall continue to be subject to the control of the same authorities to which he would have been , if he was not under suspension.

Powers
missioner
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24 The Commissioner or the Superintendent, subject to the orders of the director – General /Inspector –General, shall, within their respective spheres of authority direct and regulate all matters of arms , drill ,exercise , observation of persons and events, mutual relations distribution of duties, study of laws , orders and modes of proceedings and all matters of executive detail or the fulfillment of their duties by the Police Force under him.

Director
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25 The Director General/Inspector General , through out the State and the Commissioners in the area for which he is appointed , shall have authority to and regulate all matters of account connected with the police in the State as the case may be and all persons concerned shall be bound to give him and facilities in conduction such investigations and to conform to his

thereto.

Police

26 (1) The Commissioner of the Superintendent of Police , specially empowered in this behalf by the State Government may at any time by a written order signed by himself and sealed with his own seal appoint any able –bodied male person between the ages of 18 and 50, whom he considers fit to be a Special Police Officer to assist the Police Force .

(2) Every special Police Officer so appointed shall on appointment-

- (a) receive a certificate in a form approved by the State Government in this behalf;
- (b) have the same powers privileges and immunities and be liable to the same duties and responsibilities and be subject to the same authorities as an ordinary Police officer.

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(3) If any person being appointed a special police officer as aforesaid without sufficient excuse, or refuses to serve as such or to obey such lawful order or direction as may be given to him for the performance of his duties, he shall be liable, upon conviction before a Magistrate, to a fine not exceeding five hundred rupees for such neglect, refusal or disobedience.

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27 (1) Additional Police Officer of such rank of grade for such time and on such pay as the authority specified by or under the provisions of this Act in that behalf may determine may be employed or deputed for the purpose stated in such provisions.

(2) Every additional Police Officer appointed shall on appointment-

- (a) receive a certificate in a form approved by the State Government in this behalf;
- (b) be vested with all of such of the powers privileges and duties of a Police Officer as are specially mentioned in the certificate; and
- (c) be subject to the orders of the Commissioner or the Superintendent as the case may be.

(3) The employment or deputation of such additional police officer may be made at the request of any person requiring such Police and the cost of such employment shall be recovered in such manner as is provided by or under this Act or under any other law for the time being in force.

28. (1) The State Government may, by notification in the Official Gazette, create only or more special police districts embracing such railway areas in the State as it may specify, and appoint a Superintendent of police one or more Assistant and Deputy Superintendent and such other Police officers for each such special district as it may think fit.

(2) Subject to the control of the Director –General /Inspector , such police officers shall discharge police functions connected with administration of railways situated within their respective charges, and such other functions as the State Government may from time to time assign to them..

(3) Any member of the said Police force whom the State Government shall generally or specially empower to act under this sub-section may subject to any orders which that Government may make in this behalf, exercise within the special district or

any part thereof any of the powers of an officer-in-charge of a police station in that district, and when so exercising such powers shall, subject to any such order as aforesaid, be deemed to be an officer –in –charge of the police station discharging the functions of such officers within the limits of his station.

(4) Subject to any general or special orders which the State Government may make in this behalf such police officers shall in the discharge of their functions , be vested within every part of the State with the powers and privileges and be subject to the liabilities of police officers under this Act or any other law for the time being in force.

(5)The Superintendent of Police may with the previous permissions of the State Government delegate any of the powers and functions conferred on him by or under this Act to an Assistant or Deputy Superintendent.

CHAPTER III THE STATE SECURITY COMMISSION

29. (1) The State Government, shall as soon as may be , by notification in the official Gazette establish a commissioners to be called the State Security Commission for the purpose of exercising such functions and discharging such duties as may be assigned to the commission by or under this Act.

(2) The Commission shall consist of the following members, namely:-

- (i) the Minster in –charge of Police who shall be the Chairman , ex-officio;
- (ii) two members of the State Legislature one from the ruling party and another from the opposition parties preferably from the recognise4d or main opposition party, to be nominated by the State Government on the advice of the speaker of the State of Legislature:
- (iii) four members to be nominated by the chief Minister of the State after approval by the State Legislature, as far as possible one each from among retired judges of the High Court, retired Government servants who had functioned in senior positions in the Government while in service, social scientists or academicians of public standing and eminence.

(3) The Director General /Inspector General of police ,ex-office shall be the Secretary of the Commissioner.

(4) The names of the members nominated to the Commission shall be notified by the State Government in the official Gazette and the nomination shall take effect with effect with from the date of such notification.

(5) Every member nominated under clauses (ii) and (iii) of sub –section (2) above, shall unless their seats became vacant earlier by resignation, death or otherwise, hold office for a period of three years from the date on which the nomination of such member is notified and shall be eligible for re-nomination.

30. (1) The Superintendence of the police force throughout the state shall vest in the state Government and shall be exercised through its commission constituted under this Act.

(2) The power of superintendence of the state Government over the police shall be limited for the purpose of ensuring that police performance is in strict accordance with law.

31. The functions of the Commissioner shall include matters relating to-

- (i) laying down broad policy guidelines and directions for the performance of preventive tasks service oriented functions by the police;

- (ii) evaluation of the performance of the State Police;
- (iii) functioning as a forum of appeal for disposing of representations from any police officer of the rank of Superintendent of police and above, regarding his being subjected to illegal or irregular orders in the performance of his duties;
- (iv) functioning as a forum of appeal for disposing of representations from police officers regarding promotions to the rank of Superintendent of Police and above ; and
- (v) generally keeping in review the functioning of the police in the State.

32. The functions of the Commissioner may be exercised notwithstanding any vacancy therein.

33 The State Government may, at any time, for sufficient cause ,remove from office any member of the commission after giving him a reasonable opportunity of showing cause against proposed removal.

34. The fees and other allowances payable to members for the attendance at meetings of the Commission or of any committee thereof shall be such as may be TO specified by the State Government by regulations made in consultation with the Commission.

35 No person shall be eligible to be a member of the Commission or any Committee thereof who-

- (a) is of unsound mind and stands so declared by a competent Court ;or

Vacation of
seats of
members.

(b) is or has been convicted of an offence which, in the opinion of the State Government involves moral turpitude.

36. (1) If a member of the Commission —

- (a) becomes subject to any disqualifications specified in Section 35; or
- (b) in the case of member nominated under clause (ii) of sub-section (2) of Section 29, ceases to be member of the State Legislature, his seat shall thereupon fall vacant; or
- (c) in the case of a member nominated under sub-clause (iii) of sub-section (2) of Section 29, joins a political party after being appointed to the Commission, his seat shall thereupon fall vacant.

(2) If any question arises as to whether a member of the Commission has become subject to any disqualification specified in Section 35, the question shall be referred for the decision of the Chairman of the Commission and his decision shall be final:

Provided that before giving decision on any such question, the Chairman of the Commission shall give the member concerned a reasonable opportunity of being heard.

(3) If a member of the Commission, is absent without sufficient cause for more than three consecutive meetings thereof, the Chairman of the Commission may, by order, remove such member from the membership of the Commission:

Provided that no member shall be removed under the provisions of this sub-section except after giving him a reasonable opportunity of showing cause against such removal.

(4) Any member of the Commission, may resign his office by giving notice, in writing, of his intention so to do, to the authority which nominated him, and on such resignation being accepted he shall be deemed to have vacated his office.

Procedure for
Commission.

37. The Commission shall regulate its own procedure and the conduct of the business to be transacted by it.

Appointment of
Director of
Inspection and
Principal
Director of
Inspection.

38. (1) The State Government may appoint one or more police officer as Director of Inspection as the State Government may in consultation with the Commission determine and of the persons so appointed one may be appointed as Principal Director of Inspection.

(2) It shall be the duty of the Directors of Inspection to evaluate the over-all performance of all police forces constituted under Section 3 of this Act, and report to the Commission thereon.

(3) The Directors of Inspection shall carry out such other duties for the purpose of furthering police efficiency as the Commission may from time to time direct.

(4) The Principal Director of Inspection shall in each year submit to the Commission a report in such form as the Commission may direct.

(5) The Directors of Inspection shall be paid such salary and allowances as the State Government may with the approval of the Commission determine.

Expenses of the
Commission.

39. The expenses of the Commission, including any salaries, allowances and pensions payable to or in respect of members or staff of the Commission shall be charged on the consolidated fund of the State.

Annual Report
of the
Commission.

40. The Commission, shall, within 3 months after the end of each year submit to the State Government annual report on the performance of the Police in the State and the work done by the Commission.

(2) The State Government shall, as soon as may be possible but not later than 3 months after the receipt of such report (unless the Legislature is not in Session) cause such report to be laid before the Legislature of the State.

er to make
ulations.

41. The State Government may by regulations made in consultation with the Commission make provision with respect to the number of members of the staff of the Commission and their conditions of service.

Powers of the
State
Government.

42. Notwithstanding anything contained in Section 30, the State Government may in any emergency directly issue a policy directive or guidelines in regard to a specific situation but such direction or guidelines, shall as soon as possible be brought before the Commission for ratification and be subject to such modifications as the Commission might decide.

CHAPTER IV

DUTIES, POWERS AND RESPONSIBILITIES OF THE POLICE

Duties of a
Police Officer.

43. It shall be duty of every police officer to —

- (i) promote and preserve public order ;
- (ii) investigate crimes, and where appropriate to apprehend the offenders and participate in subsequent legal proceedings connected therewith ;
- (iii) identify problems and situations that are likely to result in commission of crimes ;
- (iv) reduce the opportunities for the commission of crimes through preventive patrol and other prescribed police measures ;
- (v) aid and co-operate with other relevant agencies in implementing the prescribed measures for prevention of crimes ;
- (vi) aid individuals who are in danger of physical harm ;
- (vii) create and maintain a feeling of security in the community ;
- (viii) facilitate orderly movement of people and vehicles ;
- (ix) counsel and resolve conflicts and promote amity ;
- (x) provide necessary services and afford relief to people in distress situations ;
- (xi) collect intelligence relating to matters affecting public peace and crimes in general including social and economic offences, national integrity and security ; and
- (xii) perform such other duties as may be enjoined on them by law for the time being in force.

Duties of police
officers towards
weaker sections,
poor persons
and public.

44. It shall be the duty of every police officer to—

- (1) register all cognizable offences brought to his notice by a complainant in person or by post or from his knowledge and take prompt steps to acknowledge registration of such offences where necessary and proceed with such investigation as is prescribed by law ;
- (2) aid and cooperate with other agencies for the prevention of all offences and all wanton destruction of public property by violence, fire and accidents ;
- (3) prevent such conduct in public places as would prove to be dangerous for the persons indulging in such acts like overloading of boats during river crossing or spirited youngsters driving dangerously and recklessly ;
- (4) guide and assist members of the public particularly the poor and indigent, disabled or physically weak and children who are either lost or find themselves helpless on the streets or other public places ;
- (5) take charge of intoxicated persons and lunatics at large who in their ignorance may cause harm to themselves or other members of the public and their property ;
- (6) assist in preventing the poor and indigent persons from exploitation by any organised group ;

7) Prevent harassment of women and children in public places;

(8) behave with all members of the public with due decorum and courtesy particularly so in dealing with women and children where strict regard should be paid to decency and reasonable gentleness;

(9) refrain from needless inconvenience to the members of the public in the discharge of his duties;

(10) while taking a person into custody to ensure that he is not denied his rights and privileges and in particular ensuring that an arrested person in custody is able to inform a person of his choice the fact of his detention;

(11) arrange for legally permissible sustenance and shelter to every person in custody and making known to poor persons in custody provisions of legal aid schemes being enforced in the State and also inform the authority concerned to provide such aid;

(12) provide every kind of assistance to victims of road accidents and in particular ensuring that they are given prompt medical aid without waiting for formalities;

(13) assist accident victims or their heirs or their dependents where applicable with such information and documents as would facilitate their compensation claims and making the victims of road accidents aware of their rights and privileges; and

(14) show by personal conduct that it is in the general interest of the society to abide by the law in operation.

of police
while regulating
tc.

45. It shall be duty of every police officer –

- (i) to regulate and control the traffic in the streets, to prevent obstructions therein and to the best of his ability to prevent the contravention of any rule , regulation or order made under this Act or any other law in force for observance by the public in or near the streets;
- (ii) to keep order in the streets and at and within public bathing and washing places, fairs , temples and all other places of public resort and in the neighborhood of places of public worship;
- (iii) to regulate resort to public bathing and washing places and all other places of public resort , to prevent overcrowding in such places and to the best of his ability, to prevent the contravention of any regulation or order lawfully made for observance by the public at such place; and
- (iv) to prevent to the best of his ability the commission of public nuisances.

Police
those such police officer may-

46. (1) It shall be the duty of every police officer to ensure compliance with the officer provisions of this Act or any rule, regulation or order made there under and for that provisions of the Act.

- (a) warn persons who from ignorance fail to comply with any provision of this Act or any rule, regulation or order made there under;
- (b) require any person acting or about to act contrary to any provision of this Act or rule , regulation or order made there under to desist from so doing;
- (c) subject to the provisions of sub –section (2) and (3) arrest any person contravening any provision of this Act or any rule, regulation or order made there under where such contravention is an offence punishable under this Act; and
- (d) seize any object used , or about to be used, in contravening , or in contravention of the provisions of this Act, or any rule, regulation or order made there under , where such contravention is an offence punishable under this Act.

(2)A police officer shall not arrest any person under Clause (c)of sub-section (1), with out a warrant issued by Magistrate , unless such person-

- (a) has contravened any regulation made for regulating traffic and for preservation of order in public places under section 61 of this Act;
- (b) has contravened any order or notification made under section 62 or under section 63, section 65, or section 79;
- (c) commits in the presence of such police officer offences punishable under section 107, sub-section (1) of section 118, Clause (a), (b) or (c) of section 119, or sub-section (2) of section 122, in respect of contravention of any order made under sections 66 or 67;
- (d) commits in his presence in any street or public place any non-cognizable offence punishable under this Act or any rule or regulation made there under if such person –
 - (i) after being warned by the police officer persist in committing such offence; or
 - (ii) refuses to accompanying the police officer to a police station on being required so to do.

(3) The Commissioner or Superintendent of police or any other police officer specially empowered in this behalf by the Director General /Inspector General of Police may arrest without warrant by a magistrate any person who has committed an offence under section 100.

47 Subject to the provisions of this Act and the rules and regulations and orders made there under, every police officer may, for the purpose of discharging any of the duties referred to in sections 43, 44, 45 & 46 enter with or without a warrant and inspect any place of public resort which he has reason to believe is used as a place for the storing sale or consumption of intoxicating drinks or narcotics or a place for resort of loose and disorderly characters.

48 when in a street or a place of public resort a person is in possession or suspected to be in possession of any article which a police officer in good faith suspects to be stolen property, such police may search such person and if the account given by the possessor be manifestly false or suspicious, may detain such article after giving a receipt in the prescribed form and report the facts to a Magistrate having jurisdiction in the case who shall thereupon proceed according to the provisions of sections 457, 458 and 459 of the code of Criminal Procedure, 1973.

49 (1) The State Government, may by notification in the official gazette, declare any specified service to be an essential service to the community.

(2) A declaration made under sub-section (1) shall remain in force for one month in the first instance, but may be extended from time to time by notification.

(3) Upon a declaration being made under sub-section (1) and so long as it remains in force it shall be the duty of every police officer to obey any order given by any superior officer in relation to any employment in connection with the service specified in the declaration.

50. A police officer of rank superior to that of a constable may perform any duty assigned by law or by a lawful order to any officer subordinate to him, and in the case of any duty imposed on such subordinate, a superior may aid, supplement, supersede or prevent any action of such subordinate by his own action or that of any person lawfully acting under his command or authority whenever the same shall appear necessary or expedient for giving more complete or convenient effect to the law or for avoiding any infringement thereof.

51 (1) All person shall be bound to comply with the reasonable directions given by a police officer in the discharge of his duties under this Act.

(2) Where any person resists, refuses or fails to comply with any direction referred to in sub-section (1) a police officer may, without prejudice to any other action that he may take under any other provision of this Act or any other law for the time being in force remove such person and either produce him before the nearest Magistrate or, in

trivial cases, release him when the occasion which necessitated the removal has ceased to exist:

Provided that the person so removed shall in all cases be produced before the nearest Magistrate or released, as the case may be, within a period of twenty-four hours of such removal.

CHAPTER V REGULATION CONTROL AND DISCIPLINE OF THE POLICE FORCE

52 Subject to the orders of the State Government , the Director General/Inspector General may make rules or orders not inconsistent with this Act or With any other enactment for the time being in force-

- (a) for the prevention and investigation of crime ;
- (b) for the maintenance of law and order;
- (c) regulating the inspection of the police force by his subordinates;
- (d) determining the description and quantity of arms accoutrements , clothing and other necessaries to be furnished to the Police;
- (e) prescribing the places of residence of members of the Police Force;
- (f) for the institution , management and regulation of any Police fund for any purpose connected with Police administration;
- (g) regulating the distribution, movements and location of the Police;
- (h) assigning duties to Police Officer of all ranks and grades and prescribing-
 - (i) the manner in which and
 - (ii) the conditions subject to which they shall exercise and perform their respective powers and duties.
- (i) regulating the collection and communication by the Police of intelligence and information
- (j) prescribing the books and registers to be maintained and the returns to be submitted by Police Officer ; and
- (k) generally, for the purpose of rendering the Police efficient and preventing abuse or neglect of their duties.

53. (1) Subject to the provisions of Article 311 of the Constitution and the rules, the Director General/Inspector General, Deputy Inspector General, Assistant Inspector General of police , Commissioner of Police, Superintendent of Police Principal of the Police Training College or the Police Training School or any other officers or equivalent rank, may award to any police officer of subordinate rank any of the following punishments .

- (a) dismissal ;
- (b) removal from service ;
- (c) reduction in rank ;
- (d) forfeiture of approved service ;

- (e) reduction in pay ;
- (f) withholding of increment ;
- (g) withholding of promotion ; and
- (h) fine not exceeding one month's pay.

(2) Subject to the rules-

- (a) any police officer specified in sub-section (1) may award the punishment of reprimand or censure to any police officer of subordinate rank;
- (b) the Assistant Superintendent of Police or any other officer of equivalent of reprimand or censure to police officers of or below the rank of sub-section of Police ; and
- (c) any police officer of and above the rank of Inspector may award punishment drill , extra guard , fatigue or other punitive duty , not exceeding fifteen days, with or without confinement to quarter guard to Constables and Head Constables.

(3) Noting in sub-section (1) or sub-section (2) shall affect any Police officers liability for prosecution and punishment for offence committed by him.

54 (1) The Director General /Inspector General of Police , Superintendent of Police , Commissioner of Police or any other officer of equivalent rank may place a police officer under suspension-

- (a) where a disciplinary proceedings against him is contemplated or is pending ; or
- (b) where in the opinion of the authority aforesaid he has engaged himself in activities prejudicial to the interest or the security of the State ; or
- (c) where a case against him in respect of any criminal offence is under investigation, inquiry or trial and in the opinion of the authority aforesaid there is prima facie case.

(2) An order of suspension made under this Section shall continue to remain in force until it is modified or revoked by the authority competent to do so.

(3) Where a Police Officer is suspended (Whether in connection with any disciplinary proceeding or otherwise) and any other disciplinary proceeding is commenced against him during the continuance of that suspension, the authority competent to place him under suspension may for reason to be recorded by him in writing, direct that the police officer shall continue to be under suspension until the termination of all or any such proceedings .

(4) An order of suspension made may at any time be modified or revoked by the authority which made the order or by any authority to under suspension until the termination of all or any such proceedings.

55. When any officer passes an order of awarding a punishment of dismissal removal from service, reduction in rank , forfeiture of approved service , reduction in pay , withholding of increments, withholding of promotions, or fine , he shall record such

order or cause the same to be recorded together with the reasons thereof, in accordance with the rules.

56. An appeal against any order of punishment passed against a police officer under section 53 or the rules there under (not being an order of punishment drill, extra guard, fatigue or other punitive duty, not exceeding fifteen days with or without confinement to quarter guard to Constables and Head Constables under clause (c) of sub-section (2) of that section) shall lie-

- (a) Where the order is passed by the Director General/Inspector General of Police to the State Government ;
- (b) Where the order is passed by a Deputy Inspector General or Commissioner of Police to the Director General /Inspector of Police;
- (c) Where the order is passed by a Superintendent of Police, Deputy Commissioner of Police, Principal of the Police Training College or School or any other officer or equivalent rank , to the Deputy Inspector General/ Commissioner of Police of the area as the case may be.

57. Subject to the provisions of section 50, transfer or suspension orders of different ranks of subordinate officers of the force shall be made only by

appointing authority or the authority prescribed in Schedule IV.

58. Every police officer not on leave or under suspension shall for all purposes of this Act, be considered to be always on duty and may at any time be employed as police officer in any part of the State.

59 No police officer shall resign his office or withdrawn himself from the thereof, unless expressly allowed to do so in writing by the Director

General of Police or by such other as may be authorized by the Director General /Inspector General of Police to grant such permission or unless he shall have given to his superior officer , notice in writing for a period not less than two months of his intention to do so.

Explanation:

A police officer who being absent on leave, fails without reasonable cause to report himself for duty on the expiration of such leave shall be deemed within the meaning of this section, to withdraw himself from the duties of his office.

60. No police officer shall engage in any employment or office whatever than his duties under this Act, unless expressly permitted to do so in writing by Director General /Inspector General of Police or by some other

CHAPTER VI POLICE REGULATIONS

power to make regulations
any for regulating traffic &
r preservation of order
public place etc.

61 The Commissioner or Superintendent , as the case may be, with respect of the matters specified in this sub-section , in areas under their respective charges or any part thereof , may by notification in the official gazette make regulations to provide for all or any of the following matters, namely-

- (a) regulating traffic of all kinds in streets and other public places , and the use of streets and other public places by persons riding, driving, cycling, walking or leading or accompanying cattle , so as to prevent danger, obstruction or inconvenience to the public;
- (b) regulating the conditions under which vehicles may remain standing in streets and other public places , and the use of streets as halting places for vehicles or cattle;
- (c) specifying the number and position of lights to be used on vehicles in streets and the hours between which such lights should be used;
- (d) licensing controlling or prohibiting the erection, exhibiting, fixation or retention of any such device or representation for the purpose of advertisement ,which is visible against the sky from some point in any street and is hoisted or held aloft over any land, building or structure at such height as may be specified in the regulations, having regard t r the traffic in the vicinity, and the likelihood of such sign, device or representation at that height being a distraction , or causing obstruction, to such traffic;
- (e) specifying certain hours of the day during which cattle shall not be driven, or as the case may be, driven only in accordance with such regulations, along the streets, or along certain sp
- (f) regulating the leading, drivers, conducting or conveying of any elephant or wild or dangerous animal through or in any street;
- (g) regulating and controlling the manner and mode of conveying timber, scaffold poles, ladders, iron girders, beams or bars, boilers or other unwieldy articles through the streets, and the route and hours for such conveyance;

- (h) licensing, controlling or in order to prevent obstruction, inconvenience, annoyance, risk, danger or damage to the residents or passengers in the vicinity, prohibiting the carrying in streets and public places of gun- powder or any other explosive substance;
- .. (i) prohibiting except along certain specified streets and during specified hours and subject to such conditions as may be specified in that behalf, the exposure or movement in any street of persons or animals suffering from contagious or infectious diseases, the carcasses of animals or parts. of such carcasses or corpses of persons deceased;
- (j) specifying. certain hours of the day during which ordure or offensive matter or objects shall not be taken from or into houses or buildings in certain streets or conveyed through such. streets except in accordance with such regulations;
- (k) setting apart places for slaughtering animals, the cleaning of carcasses or hides, the deposit of noxious or offensive matter and for obeying calls or nature;
- (l) in cases of existing or apprehended epidemic or: infectious disease of men or ,animals, the cleanliness and disinfections of premises by the occupier thereof and. residents therein and the segregation and management of the persons or animals diseased or supposed to be diseased, as may have been directed or approved by the Government, with a view to prevent the disease or check the spread thereof;
- (m) directing the closing or disuse, wholly or for certain purposes, or limiting to certain purposes only, the use of any source, supply ,or receptacle of water and providing against pollution of the same or of the water therein;
- (n) licensing, controlling or in order to prevent obstruction, inconvenience, annoyance, risk, danger or damage to the residents or .passengers in the vicinity, prohibiting the playing of music, the beating of drums, tom- toms or other instruments and the blowing or sounding of horns or other noisy instruments or in near streets or other public places;
- (o) regulating the conduct of or behaviour or action of persons constituting assemblies and processions on or along the streets and specifying in the case of processions, the routes by which, the order in which, and the times at which, the same may pass ;
- (p) prohibiting the hanging or placing of any cord or pole across a street or part thereof, or the making of a projection of structure so as to obstruct traffic or the free access of light and air;
- (q) prohibiting, except in accordance with such regulations, the placing of building materials or other articles or the fastening or detention of any horse or other animals in any street or public peace ;
- (r) licensing, controlling or, in order to prevent obstruction, inconvenience, annoyance, risk, danger or damage to the residents or passengers in the vicinity, prohibiting - .
 - (i) the illumination of streets and public places and the exteriors of building abutting thereon by persons other than servants of Government or Corporation or other Municipal Officers duly authorized in that behalf;
 - (ii) the blasting of rock or making excavations in. or near streets or public places;
 - (iii) the using of a loudspeaker in or near any public place or in any place of public entertainment ;
- (s) closing certain streets or places' temporarily, in cases of danger from ruinous buildings or .other cause, with such exceptions as shall appear reasonable;
- (t) guarding against injury to person and property in the construction, re- pair and demolition of buildings, platforms and other structures from which danger may arise to passengers, neighbours or the public;
- (u) prohibiting the setting of fire to or burning of any straw or other matter, or lighting a bonfire or wantonly discharging a fire-arm or air-gun, or letting off or throwing a fire work or, sending up a fire balloon or rocket in or upon a street or within fifty feet of a street or building or, the put- ting up of any post or other thing on the side of or across a street .for the purpose of affixing thereto lamps or other contrivances for illumination except in accordance with regulations in this behalf;
- (v) regulating the hours during which and the manner in which any place for the disposal of the dead, any *dharmashala*, village-gate or other place of public resort may be used, so as to secure the equal and appropriate application of its advantage and accommodation and to maintain orderly conduct amongst those who resort thereto;
- (w) (i) licensing or controlling places or public amusement or public entertainment; .
- (ii) prohibiting the keeping of places: of public amusement or public entertainment or assembly, in order to prevent obstruction, inconvenience, annoyance, risk, danger or damage to the residents or passengers in

- the vicinity; and
- (iii) regulating the means of entrance and exit at places of public amusement or public entertainment or assembly and providing for the maintenance of public order and the prevention of disturbance thereat;
 - (x) (i) licensing or controlling in the interest of public order, decency or morality or in the interest of the general public (with such exceptions as may be specified in such regulations), musical, dancing, mimetic or theatrical or other performances for public amusement, including melas ;
 - (ii) regulating in the interest of public order, decency or morality or in the interest of the general public, the employment of the artists and the conduct of the artists and the audience at such performance; prior scrutiny of such performance and of the scripts in respect thereof, if any, and granting of suitability certificate therefore subject to conditions, if any, by a Board appointed by the State Government for the purpose, either for the whole of the State or for the area concerned or by an Advisory Committee constituted by the Director General/Inspector General of Police (the members of the Board or the Advisory Committee being persons who in the opinion of the State Government, or, as the case may be the Director General/Inspector General of Police, possess knowledge of, of experience in literature, the theatre and other matters relevant to such scrutiny), provision for appeal against the order or decision of the Board or the Advisory Committee to an appellate authority, its appointment or constitution, its procedure and other matters ancillary thereto, and the fees (whether in the form of court-fee stamps or otherwise) to be charged for the scrutiny of such performances or scripts, for applications for obtaining such certificates and for issuing duplicates thereof and in respect of such appeals and any such performances and of the scripts in respect thereof granted suitability certificate by State shall be exempted from this section;
 - regulating the hours during which and the places at which such performances may be given;
 - (y) regulating or prohibiting the sale of any ticket or pass for admission, by whatever name called, to a place of public amusement;
 - (z) registration of eating houses, including granting a certificate of registration in each case, which shall be deemed to be a written permission required and obtained under this Act for keeping the eating house, and annual renewal of such registration within a specified period;
 - (za) prescribing the procedure in accordance, with which any licence or permission sought to be obtained or required under this Act should be applied for and fixing the fees to be charged for any such licence or permission.

Provided that nothing in this section. and no licence or certificate or registration granted under any regulation made there under shall authorise any person to import, export, transport, manufacture, sell or possess any liquor, or intoxicating drug, in respect of which a licence, permit pass or authorization is required under any law relating to prohibition which is for the time being in force.

- (2) The power to make regulations under clause (b) of sub-section (1) shall be subject to the control of the State Government and the power to make regulations under the other clauses of that sub-section shall be subject to the previous sanctions of the State Government.
- (3) The power of making regulations under this section shall be subject to the condition of the regulations being made, after previous publication and for the purposes of section 23 of the General Clauses Act, 1897 such regulations shall be deemed to be rules; and every regulation made, under this section, shall also be published in the locality affected thereby by affixing copies thereof in conspicuous places near to the building, structure, work or place, as the case may be,- to which the same specially relates or by proclaiming the same by the beating of drum or by advertising the same in such local newspapers as the Commissioner or Superintendent of Police may deem fit, or by any two or more of these means, or by any other means he may think suitable;

Provided that any such regulation may be made without previous publication if the Commissioner or Superintendent of Police is satisfied that circumstances exist which render it necessary that such regulation should be brought into force at once.

- (4) If any regulation made under this section relates to any matter with respect to which there is a provision in any law, rule or bye-law of the Corporation or of any other municipal or local authority in relation to public health, convenience or safety of the locality such regulation shall be subject to such law, rule or bye-law.

Power to give **62.** In areas under the respective charges the commissioner and subject to his orders, every police officer not

directions to the public.

below 'the rank of an Inspector and the Superintendent and subject to his orders any police officer not lower than such rank as may be specified by the State Government in that behalf, may from time to time as occasion may arise but not so as to contravene any regulation made under section 61 or any law, or bye-law -referred to in sub-section (4) of that section, give all such orders either orally or in writing as may be necessary to :

- (a) Direct the conduct of, and behavior or action of persons constituting processions or assemblies on or along streets;
- (b) Specify the routes by which and the times at which any such processions may pass or shall not pass;
- (c) Prevent obstructions -
 - (i) on the occasion of all processions and assemblies;
 - (ii) in the neighborhood of all places of worship during the time of worship; and
 - (iii) in all cases when any street or public place or place of public resort may be thronged or liable to be obstructed;
- (d) keep order on, and in all streets, and at, and within, public bathing and .washing places, lairs, temples, mosques, gurdwaras, churches and all other places of public resort or public worship;
- (e) regulate and control the playing of music, singing Or the beating of mums, tom-toms and other instruments aha the blowing or sounding of horns or other noisy instruments in, and near, any street or public place;
- (f) regulate and control the use of loudspeakers in residential areas, sterner any public places and places of public amusement or public entertainment; or
- (g) make reasonable orders consequential to, and furtherance of, order made under this section

Power to prohibit certain acts for prevention of disorder.

- 63.** The Commissioner or the Superintendent of Police in area under respective charges, may whenever and for such time as he shall consider necessary for the preservation of public peace or public Safety, by notification publicly promulgated or addressed to individuals; prohibit at any town, village, or place-
- (a) the carrying of arms, cudgels, swords, spears, bludgeons, guns, knives sticks or lathis, or any other article, which is capable of being used causing physical violence;
 - (b) the carrying of any corrosive substance or explosives;
 - (c) the carrying, collection or preparation of stones or other missiles instruments or means of casting or impelling missiles;
 - (d) the exhibition of persons or corpses;
 - (e) the public utterance of cries, singing of songs, or playing of music; or
 - (f) the delivery of harangues, the use of gestures of mimetic representation and the preparation, exhibition or dissemination of pictures, symbol placards or any other subject or thing which may in the opinion of the Commissioner of Police or Superintendent of Police, as the case may be offend against decency or morality or undermine the security of the State
- (2) If any person goes armed with any such articles as is referred to clause (a) of sub-section (1) or carries any corrosive substance or explosive of missile or instrument in contravention of any prohibition under the sub-sections the article, corrosive substance or explosive or missile shall be liable to seize from him by any police officer.

(3) The Commissioner or Superintendent of Police, as the case may be, notification publicly promulgated prohibit any assembly or procession whenever and for such time as he considers such prohibition to be necessary for the preservation of the public order.

(4) No notification promulgated under sub-section (3) shall remain in force for more than fifteen days from the promulgation thereof:

Provided that if the State Government consider it necessary so to do for preservation of the public order, it may, by order published in the Official Gazette direct that such notification shall remain in force for such further period not exceeding six months from the date on which it would have, but for such expired as it may specify in the said order.

Police to provide against disorder etc. at places of public

- 64.** (1) For the purpose of preventing serious disorder of breach of the law or manifest and imminent danger to the persons assembled at any place of publicly amusement or at any assembly or meeting to which the public are invited or which is open to the public, any police officer of the rank of Assistant Sub-Inspector and above, present at such place of public amusement, or such Assembly or meeting, may subject to such rules regulations and orders as may have been lawfully made give such reasonable directions as to the mode of the proceedings and the maintenance of the public safety, at, such place of

amusement or public assembly or meeting.

amusement or such assembly or meeting as he thinks necessary ;and all persons shall be bound to conform to every such reasonable direction.

(2) Every police officer shall have free access to every place of public amusement, assembly or meeting for the purpose of giving effect to the provisions of sub-section (1) and to any direction made there under.

Power to prohibit etc. continuance of music, sound or noise.

65. If the Commissioner or the Superintendent of Police in areas under their respective charges, is satisfied from the report of an officer in charge of a Police Station, or other information received by him, that it is necessary to do so in order, to prevent annoyance, disturbance, discomfort or injury, or risk of annoyance, disturbance, discomfort or injury, to the public or to any person who dwells; or occupies property, in the vicinity, he may, by written order, issue such directions as he may consider necessary to any person for preventing, prohibiting, controlling or regulating-

(a) the incidence or continuance in any street, open space or any other premises of-

(i) any vocal instrumental music;

(ii) sounds caused by the playing, beating, clashing, blowing or use in any matter whatsoever of any instrument, appliance or ~apparatus or contrivance' which is capable of producing or reproducing sound; or

(iii) use of loudspeaker or other apparatus for amplifying any musical or other sound at such pitch or volumes as may cause disturbance to others; or

(b) the carrying on, in any premises, of any trade, avocation or operation resulting in or attended with noise;

Provided that no direction shall be issued to any persons under clause (b) without giving to such person an opportunity of being heard in the matter.

(2) The Commissioner or Superintendent of Police may, either on his own motion or on the application of any person aggrieved by' an order made under sub-section (1), either rescind, modify or alter any such order:

Provided that before any such application is disposed of, the Commissioner or Superintendent of Police ,shall afford to the applicant an opportunity of appearing before him either in person or by counsel and showing cause against the order and shall, if he rejects any such application either wholly or in part, record the reasons for such rejection.

Issue of order for prevention of riot etc.

66. In order to prevent or suppress any riot of grave disturbance of peace, the Commissioner or Superintendent of Police may temporarily close or take possession of any building or other place and may exclude. all. or any persons there from, or may allow access thereto such persons only and on such terms as he shall deem expedient and all persons concerned shall be bound to conduct them- selves in accordance with such orders as the Commissioner or Superintendent of Police may make and notify in exercise of his powers under this Section.

Maintenance of order at religious or ceremonial display etc.

67. In any case of an actual or intended religious or ceremonial or corporate display or exhibition or organized assemblage in any street or public place, as to which or the conduct *of*, or participation in, which, it shall appear to the competent authority that a dispute or contention exists, which is likely to lead to grave disturbance *of* the peace, the competent authority 'may give such orders as to the conduct *of* the persons concerned towards each other and towards the public as it shall deem necessary and reasonable under the circumstances, regard being had to the apparent legal rights and to any established practice *of* the parties and *of* the persons interested and all persons concerned shall obey such orders. .

Commissioner or superintendent may take special measure to

68. (1) Whenever it shall appear to the Commissioner or Superintendent of Police that anyplace in the area under their respective charges (being a place where on account of a pilgrimage, fair or other such occurrence, large bodies of persons have assembled or are likely to assemble) is visited or likely to be visited with an outbreak of any epidemic disease, he may in consultation with the Corporation or municipality or local authority within the local limits of the jurisdiction whereof municipality or local authority within the local limits of the jurisdiction whereof such place is situated take such special

prevent outbreak of epidemic disease at fairs, etc.

measures and may by a public notice prescribe such regulations to be observed by residents of the said place and persons present thereat or repairing thereto or returning there from as he deems necessary to prevent; the outbreak of such disease or the spread thereof.

(2) The expenses incurred by the Commissioner or Superintendent of Police in respect of the arrangements for sanitation and the preservation of order at or about the place of assembly referred to in sub-section (1) may be recovered from the Corporation or the municipality concerned.

Power to reserve street or other public place for public purpose and power to authorize erecting of barriers in streets.

69. (1) The Commissioner or Superintendent of Police in areas under their respective charges may, by public notice, temporarily reserve for any public purpose any street or other public place and prohibit persons from entering the area and power to so reserved, except on such conditions as may be specified by him.

(2) The Commissioner or Superintendent of Police in areas under their respective charges may, whenever in his opinion such action is necessary authorize such police officer as he thinks fit to erect barriers on any street for the purpose of stopping temporarily vehicles driven on such street so as to satisfy himself that the provisions of any law for the time being in force have not been contravened in respect of any such vehicle or by the driver or the person in charge of such vehicle; and make such orders as he deems fit for regulating the use of such barriers.

Power to make regulations prohibiting disposal of the dead except at places set apart.

70. (1) The Commissioner or Superintendent of Police in areas under their respective charges may, from time to time, make regulations prohibiting the disposal of the dead, whether by cremation, burial or otherwise at places other than those set apart for such purpose:

Provided that no such regulations shall be made in respect of any area for which places have not been so set apart:

Provided further that the Commissioner or Superintendent of Police or any officer authorized by him in this behalf may, in his discretion, on an application made to him by any person, grant to such person permission to dispose of the corpse of any deceased person at any place other than a place so set apart, if in his opinion such disposal is not likely to cause obstruction to traffic or disturbance of the public peace or is not objectionable for any other reason.

(2) Any regulations made under sub-section (1) shall specify the places set apart for the disposal of the dead of different communities or sections of communities.

(3) All such regulations shall be deemed to be rules for the purposes section 23 of the General Clauses Act, 1897 and shall be subject to the provisions of the previous publication and the date to be specified under clause (3) of that shall not be earlier than two months from the date on which the draft of proposed regulations is published.

**CHAPTER VII
SPECIAL MEASURES FOR MAINTENANCE OF PUBLIC ORDER
AND SECURITY OF STATE**

Employment of Additional police to keep peace.

71. (1) The Commissioner or Superintendent of Police, as the case may be, may, on the application of any person, depute any additional number of police to keep the peace, to preserve order, to enforce any of the provisions of this Act or of any other law in respect of any particular class or classes of offences or to perform any other duties imposed on the police at any place in the area under his charge.

(2) Such additional police shall be employed by the cost (which shall be determined by the Commissioner or Superintendent of Police in accordance with the rules made in this behalf) of the person making the application, but shall be subject to the orders of the police authorities and shall be employed for such period as the Commissioner or Superintendent of Police considers necessary.

(3) If the person upon whose application such additional police are employed shall at any time make a written requisition to the Commissioner or Superintendent of Police for the withdrawal of the

said police he shall be relieved from the cost thereof at the expiration of such period not exceeding one week from the date of the delivery of such requisition as the Commissioner or Superintendent of Police shall determine.

(4) Where there is any dispute as to the amount to be paid by way of cost, the Commissioner or Superintendent of Police, as the case may be, shall, on an application made in that behalf by the aggrieved party, refer the matter to the State Government or any authority nominated, by the State Government whose decision thereon shall be final.

Employment of additional police in case of special danger to public peace.

- 72.** (1) If in the opinion of the State Government any area in the State is additional police in a disturbed or dangerous condition or the conduct of the inhabitants or of any particular section or class of the inhabitants of such area renders it expedient to employ temporarily addition police in the area, it may, by notification in the Official Gazette, specify the area (hereafter in this section referred to as the disturbed area) in which, and the period for which, the additional police shall be employed and thereupon the Commissioner or Superintendent of Police shall depute such number of additional police officers as he considers necessary in the disturbed area:

Provided that the period so specified may be extended by the State Government from time to time, if in its opinion it is necessary so to do in the interests of the public.

(2) On the issue of a notification under sub-section (1), the State Government may require the District Collector or any other authority specified by the State Government, to recover, whether in whole or in part, the cost of such additional police generally from all persons who are inhabitants of the disturbed area or specially from any particular section or class-'of such persons, and in such pro- portion as the State Government may direct.

(3) It shall be lawful for the State Government to exempt, by order in writing, and for sufficient reasons, any person from liability to bear any portion of ,the cost of such additional police.

Explanation:

In this section and in section 74 the expression "Inhabitants", when used in relation to any disturbed area., includes persons who themselves or by their agents or servants occupy or hold land or other immovable property within such area and landlords who themselves or by their agents or servants collect rent from holders or occupants of land in such area notwithstanding that they do not actually reside therein.

Employment of additional police at large work and when apprehension regarding behavior of employees exists.

- 73.** (1) Whenever it appears to the State Government or to the competent additional police authority that:
- (a) any large work which is being carried on or any public amusement which is being conducted in any place is likely to impede the traffic or to attract a large number of people; or
 - (b) the behavior or a reasonable apprehension of the behavior of the exists. persons employed on any railway, canal or other public work, or in or upon any manufactory or other commercial concern, under construction or in operation at any place necessitates .the employment of additional I police at such place, the State Government, or the competent authority, as the case may be, may depute such number of additional police to the said place for so long as the necessity to employ the additional police shall appear to the State Government or the competent authority to continue.

(2) Such additional police shall be employed at the cost of the person by whom the work, public amusement, manufactory or concern is being constructed, conducted or carried on and the said person shall pay the costs therefore at such rates as the Government or the competent authority, as the case may be, shall from time to time require.

Compensation for injury caused by unlawful

- 74.** (1) When any loss or damage is caused to any property or when death results or grievous hurt is caused to any person or persons, by anything done in the prosecution of the common object of an

unlawful assembly how recoverable.

unlawful assembly, the State Government may, by notification in the official Gazette, specify the area (hereafter in this section called the "disturbed area") in which, and the date on which or the period 'during which, such unlawful assembly in its opinion, took place.

(2) On the issue of a notification under sub-section (1), the State Government or any authority nominated by the State Government may, after such inquiry as he deems necessary, determine the amount of the compensation which, in his opinion, should be paid to any person or persons in respect of the loss or damage or death or grievous hurt aforesaid.

(3) The amount of the compensation shall be deemed to be a- fine imposed under this section, and shall be payable by the inhabitants of the disturbed area.

(4) It shall be lawful for the State Government or any authority nominated by the State Government to exempt by order in writing and for sufficient reasons, any persons from liability to pay any portion of ~he compensation amount.

Dispute in regard to cost of deputing additional compensation under sec 72 to 74

75. In the event of any dispute relating to the cost payable under section 72 or section 73 or .the compensation determined under section 74 or the person or persons or the section or class of persons by whom or the proportion in which such cost or compensation should be paid the matter shall be referred by the State Government or any authority nominated by the State Government or the competent authority, as the case may be, on an application made in that behalf by the aggrieved party, to the Chief Metropolitan Magistrate or the Chief Judicial Magistrate as the case may be, whose decision thereof shall be final.

Recovery of amount payable under sections 71 to 74. State Govt. or any nominated authority to award compensation.

76. Any amount payable under section 71, section 72, section 73 or section 74 shall be recovered in the! same manner as if it were an arrear of land revenue. I

77. (1) Amounts payable under section 71, section 72, section 73 or section 74 shall, when recovered, be credited to the State Government.

(2) The State Government or any authority nominated by the State Government shall pay, from the amount recovered by him as compensation payable under section 74, such amount as he deems just and proper by way of compensation to any person who has suffered loss or damage to property or grievous hurt or to the legal heirs of any person who died, by reason of anything done in the prosecution of the common object of the unlawful assembly.

(3) No compensation shall be paid under this section, excejpt when a claim has been made therefore within forty-five days from the date of the notification referred to in sub-section 74, and the State Government or any authority nominated by the person who suffered the loss, damage or grievous hurt, damage, grievous hurt or death.

(4) The compensation payable to any person under sub-section (2) shall not in any way be capable of being assigned or charged or be liable to attachment, or to pass to any person other than the person entitled to it by operation of law, nor shall any claim be set off against the same.

(5) No civil suit shall be maintainable in respect of any loss, damage or grievous hurt for which compensation has been granted under the section.

Recovery of amounts payable under sections 72 and 73 (2 of 1974) Control of camps, parades etc

78. Without prejudice to the provisions contained in section 76, all amounts payable under the section 72 or section 73 shall be recoverable in the manner provided in section 421 and 422 of the Code of Criminal Procedure, 1973, as if each such amount were a fine imposed on any offender by a Court.

79. (1) If the State Government is satisfied that is necessary in the interest of maintenance of public order so to do, it may by general or special order prohibit or restrict throughout the State or any part thereof all meetings and assemblies of persons for the purpose of training or drilling themselves or being

parades etc.

trained or drilled to the use of arms or for the purpose of practicing military exercise, movements, or evolutions, or for the purpose aforesaid of attending or holding or taking any part in any camp, parade or procession.

Banning of use of dress etc. resembling uniform of armed forces

(2) If the State Government is satisfied that the wearing in public, by any member of any body, or association or organization, of any dress or article of apparel resembling any uniform required to be worn by a member of the Armed Forces of the Union or by a member of any police force or of any force constituted by or under any law for the time being in force, is likely to prejudice the security of the State or the maintenance of public order, it may, by a general or special order, prohibit or restrict the wearing, or display, in public of any such dress or article of apparel by any member of such body or association or organization.

(3) Every general or special order under sub-section (1) and (2) shall be published in the manner prescribed for ;the publication of a public notice under section 147.

Explanation:

For the purpose of sub-section (2) a dress or article of apparel shall be deemed worn or displayed in public if it is worn or displayed in any place to which the public have access.

Constitution of defense Societies.

80. (1) For the protection of persons, the security of property and the public safety in any locality, the Commissioner or Superintendent of Police, as the case may be, may constitute voluntary bodies (hereafter in this section referred to as Defense Societies) in the prescribed manner.

(2) The commissioner or Superintendent of Police or any officer of a Defense Society may at any time call up officers subordinate to him or any member of a Defense Society for training or to discharge any of the duties under this Act assigned to them.

(3) Every officer or member of a Defense Society shall on appointment receive a certificate in such form as may be specified or approved by the State Government in this behalf.

**CHAPTER VIII
POWERS OF COMMISSIONER AND SUPERINTENDENT OF POILICE UNDER OTHER ACTS**

Power of State Government to authorizes Commissioner , Superintendent of Police and certain other officer to exercise power of District Magistrates and Executive Magistrate under the Cr.P.C.

81. (1) The State Government may, by notification in the official gazette and subject to such conditions and limitations as may be specified therein, empower

(a) the commissioner and the Superintendent of Police to exercise and perform in areas under their respective charges, the powers and duties of and Executive Magistrate and of a District Magistrate under such of the provisions of the Code of Criminal Procedure 1973 (2 of 1974), as may be specified in the notification;

(b) any officer subordinate to the Commissioner or Superintendent of Police (not being an officer below the rank of an Assistant Commissioner or Assistant Superintendent or Deputy Superintendent of Police) to exercise and perform in relation to such areas as may be specified in the notification the powers and duties of an executive Magistrate under such of the provisions of the said Code as may be specified in the notification.

(2) Every officer subordinate to the Commissioner/Superintendent of Police, shall in exercise or perform under sub-section (1), be subject to the general control of ;the Commissioner/Superintendent of Police in the same manner and to the same extent as an Executive Magistrate appointed under section 20 of the said Code would be subject to the general control of the District Magistrate appointed under that sections.

(3) The Commissioner, Superintendent of Police or any officer subordinate to him shall not be subject in the exercise and performance of any powers and duties which he is empowered to exercise and perform under sub-section (1), to the general control of District Magistrate appointed under Section 20 of the said Code.

(4) The provisions of this section shall have effect notwithstanding anything contained in the said Code.

Notifications under Section 81 to be laid before Legislature.

82. Every notification made by the State Government under Section 81 shall be laid, as soon as it is made, before the State Legislative Assembly while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session immediately following the session or the successive session aforesaid, the State Legislative Assembly agrees in making any modification in the notification or the State Legislative Assembly agrees that the notification should not be made, the notification shall thereafter have effect only in such modified form or be of no effect, 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.

Power of Commissioner And Superintendent of Police under other Acts.

83. (1) The Commissioner and Superintendent of Police shall exercise all powers and discharge all functions which may be exercised or discharged by a District Magistrate under the Acts mentioned in such. V including the rules made there under.

(2) The Commissioner or Superintendent of Police as the case may be, may authorize any Additional Commissioner of Police, Deputy Commissioner of Police or Additional Deputy Commissioner of Police or Additional Superintendent of Police or Assistant Superintendent of Police or Deputy Superintendent of Police to exercise any of the powers of discharge any of the functions of the Commissioner or Superintendent of Police mentioned in sub-section (1) in accordance with the general or special orders of the State Government.

CHAPTER IX POWERS OF POLICE IN RELATION TO UNCLAIMED PROPERTY

Police to take charge of unclaimed property.

84. (1) It shall be the duty of every police officer to take temporary charge—

(a) of all unclaimed property found by, or made over to him; and

(b) of all property found lying in any public street, if the owner or person in charge of such property, on being directed to remove the same, refuses or fails to do so.

(2) The police officer taking charge of the property under sub-section (1) shall furnish an inventory thereof to the Commissioner or Superintendent of Police as the case may be.

Procedure for disposal of property taken charge of under section 84.

85. (1) Where any property has been taken charge of under sub-section (1) of section 84, the Commissioner or Superintendent of Police, as the case may be, shall issue a proclamation specifying the articles of which such property consists and requiring that any person who may have a claim thereto shall appear before him or some other officer whom he authorizes in his behalf and establish his claim within six months from the date of such proclamation.

(2) If the property, or any part thereof, is subject to speedy and natural decay or consists of livestock or if the property appears to be of the value of less than one hundred rupees, it may forthwith be sold by auction under the orders of the Commissioner or Superintendent of Police, as the case may be, and the net proceeds of such sale shall be dealt with in the same manner as is hereinafter provided for the disposal of the said property.

(3) Where any person who has a claim to the property is required by the proclamation under sub-section (1) to appear before the other officer authorized by the Commissioner or Superintendent of Police in that behalf and establish his claim, such officer shall forward the record of the proceeding before him with his findings thereon to the Commissioner or Superintendent of Police, as the case may be.

Delivery of property to person entitled.

86. (1) The Commissioner or Superintendent of Police in areas under their respective charges on being satisfied of the title of any claimant to the possession or administration of the property specified in

the proclamation issued under sub-section (1) of section 85 order the same to be delivered to him, after deduction or payment of the expenses incurred in the seizure and detention thereof.

(2) The Commissioner or Superintendent of Police, as the case may be, may at his discretion, before making any order under sub-section (1), take such security as he may think proper from the person to whom the said property is to be delivered and nothing hereinbefore contained shall affect the right of any person to recover the whole or any part of the same from the person to whom it may have been delivered pursuant to such order.

In default of claim, property to be at disposal of Govt.

87. (1) If no person established his claim to such property within the period specified in the proclamation, the property, or such part thereof as has not already been sold under sub-section (2) of section 85, shall be at the disposal of the State Government and such property may be sold by auction under the orders of the Commissioner or Superintendent of Police as the case may be, and the proceeds thereof shall be credited to the Government.

(2) If any claim is made to any proceeds credited under sub-section (1) to the Government and if such claim is established, whether wholly or to any extent, to the satisfaction of the prescribed authority, the Government shall pay to the claimant the amount determined in that behalf by; the prescribed authority.

(3) The form and manner in which claims may be made under sub-section (2) and the procedure for dealing with such claims and all other matters connected therewith shall be such as may be prescribed.

CHAPTER X OFFENCES AND PUNISHMENTS

Disregarding the rule of the road.

88. No person shall----

- (a) when driving a vehicle along a street (except in cases of actual necessity or of some other sufficient reason for deviation) fail to keep on the left side of such street and when passing any other vehicle proceeding in the same direction fail to keep on the right side of such vehicle : or
- (b) leave in any street or public place insufficiently tended or secured any animal or vehicle.

Causing obstruction or mischief by animal.

89. No person shall cause obstruction, damage, injury, danger, alarm or mischief in any street or public place—

- (i) by misbehavior, negligence or ill-usage in the driving, management, treatment or care of any animal or vehicle; or
- (ii) by driving any vehicle or animal laden with timber, poles or other unwieldy articles through a street or public place contrary to any regulation made in that behalf.

Exposing animal for hire, sale etc.

90. No person shall in any street or public place expose for hire or sale any animal or vehicle, clean any furniture or vehicle, or clean or groom any horse or other animal except at such times and places as the competent authority permits, or shall train or break in any horse or other animal or make any vehicle or any part of a vehicle or (except when as a result of any accident repairing on the spot is unavoidable) repair any vehicle or part of a vehicle, or carry on therein any manufacture or operation so as to be a serious impediment to traffic or serious annoyance to residents in the vicinity or to the public.

Causing any obstruction in a street.

91. No person shall cause obstruction in any street or public place-----

- (a) by allowing any animal or vehicle, which has to be loaded or unloaded, or take up or set down passengers, to remain or stand in the street or the public place longer than may be necessary for such purpose; or
- (b) by leaving any vehicle standing or fastening any cattle in the street or the public place ; or
- (c) by using any part of a street or public place as a halting place for vehicles or cattle; or
- (d) by leaving any box, bale, package or other things whatsoever in or upon a street. For an unreasonable length of time or contrary to any regulation; or

(e) by exposing anything for sale or setting out anything for sale in or upon any stall, booth, board, cask, basket or in any other way whatsoever.

Obstructing a footway.

92. No person shall drive, ride, load, propel or leave on any footway any animal or vehicle other than a perambulator or fasten any animal in such a way that the animal can stand across or upon such footway.

Causing obstruction and annoyance by performance etc.

93. No person shall, in contravention of any regulation made by the Commissioner or Superintendent of Police, as the case may be ---
(a) exhibit any mimetic, musical or other performances of such a nature as may attract crowds; or
(b) carry or place bulky advertisements, pictures, figure or emblems in any street or public place;

Whereby any obstruction to passengers or annoyance to the residents in the vicinity may be occasioned.

Doing offensive acts in or near a street or public place Letting loose horse, etc., and suffering ferocious dogs to be at large.

94. No person shall slaughter any animal, clean a carcass or hide, or bathe or wash his person in or near to and within sight of street or public place, except at a place set apart for the purpose, so as to cause annoyance to the neighbouring residents or to passers-by.

95. no person shall in any street or public place---
(a) negligently let loose any horse or other animal, so as to cause danger, injury, alarm or annoyance; or
(b) suffer a ferocious dog to be at large without a muzzle; or
(c) set on or urge a dog or other animal to attack, worry or put in fear any person or horse or other animal.

Bathing or washing in place not set apart for those purpose.

96. No person shall bathe or wash in, or by the side of, a public well, tank or reservoir not set apart for such purpose by order of the competent authority, or in, or by the side of, any pond, poll, aqueduct, part of a river, stream, nullah or other source or means of water supply in which such bathing or washing is forbidden by order of the competent authority.

Defiling water in public wells etc.

97. No person shall defile or cause to be defiled the water in any public well, tank, reservoir, pond, poll, aqueduct or part of a river, stream, nullah or other source or means of water supply, so as to render the same unfit for any purpose for which it is set apart by the order of the competent authority.

Obstructing bathers

98. No person shall obstruct or incommode a person bathing at a place set apart for the purpose by the order of the competent authority under section 96 by willful intrusion or by using such place for any purpose for which it is not so set apart.

Behaving indecently in public.

99. No person shall willfully and indecently expose his person in any street or public place or place of public resort or within sight of, and in such manner as to be seen from; any street or public place or place of public resort, whether from within any house or building or not, or use indecent language or behave indecently or riotously or in a disorderly manner in a street or public place or place of public resort or ill any public office, police station or station house.

Obstructing or annoying passengers in street. Misbehavior with intent to provoke a breach of the peace.

100. No person shall willfully push, press, hustle or obstruct any passenger in a street or public place or by violent movements, menacing gestures, wanton personal annoyance screaming, shouting, willfully frightening any animal or otherwise, disturb the public peace or order. .I

101. No person shall use in any street or public place any threatening, abusive or insulting words or behaviour with intent to provoke a breach of the peace .or whereby a breach of the peace may be occasioned.

Prohibition against flying kite etc.

102. No person shall fly a kite or any other thing as to cause danger, .injury or alarm to persons, animals or property.

Committing nuisance in or

103. No person shall in or near to any street, public place or place of public resort:-
(a) commit a nuisance by easing himself; or

- near street etc. (b) having the car; or custody of any child under seven years of age, suffer such child to commit a nuisance as aforesaid; or
(c) spit or throw any dust, ashes, refuse or rubbish so as to cause annoyance to any passer-by.
- Drunkard ness in street etc. **104.** No person shall be so drunk and incapable of taking care of himself in a street etc. a street or place of public resort.
- Affixing notice etc. upon public property without consent of authority. Disregard of notice in public building. **105.** No person shall without the consent of the government or public authority etc concerned, affix or cause to be affixed any bill, lamp-post, tree, letterbox, transformer, street or any other property belonging to Government or any public authority or write upon or deface or mark or cause to be written upon or defaced or marked on any such lamp-post, tree, letter box, transformer, street or other property.
- Penalties for offence under section 88 to 106. **106.** No person shall, in any court, police station, police office or building occupied by Government or building occupied by any local body, smoke or spit in contravention of a notice, by the competent authority in charge of such place, displayed in such court, police station, police office or building.
- Penalty for failure to keep in confinement cattle, etc. **107.** Any person who contravenes ,any of the provisions of sections 88 to 10n (both inclusive) shall, on conviction, be punished with fine which may extend to five hundred rupees, or, in default of payment of such fine, with imprisonment for a term not exceeding fifteen days.
- 108.** (1) Whoever allows any cattle which are his property or in his charge to stray in any street or to trespass upon any public or private property shall on in confinement conviction be punished:- for the first offence, with .imprisonment for a term which may extend , to one month with fine which may extend to three hundred rupees, or with, both; and for the second or subsequent offence, 'with imprisonment for a term which -may extend to six months, or with fine which may extend to five hundred rupees or with both. .
(2) The Magistrate, trying an offence under Flub-section (1) may order that the accused shall pay such compensation not exceeding two hundred and fifty rupees as such Magistrate considers reasonable, to any person for any damage proved to have been caused to his property or the produce of his land by the cattle under the control of the accused trespassing on his land.
(3) Any compensation awarded under sub-section (2) may be recovered as if it were a fine imposed under this section.
(4) It shall be the duty of every police officer and it shall be lawful for any other person to seize and take to any cattle pound for confinement therein any cattle found straying in any street or trespassing upon any private or public property.
(5) Any fine imposed under this section may, without prejudice to any other means of recovery provided by law, by recovered by sale of all or any of cattle in respect of which the offence was committed, whether they are the' property of ~he person convicted of the offence or were only in his charge when the offence was committed. .
(6) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, the offence punishable under this Section shall be cognizable.
- Punishment for cruelty to animal. **109.** Whoever in any place cruelly beats, goads, overworks, ill-treats or tortures or causes, 01' procures to be cruelly beaten, goaded, overworked, ill-treated or tortured, any animal, shall, on conviction; be punished with imprisonment which may extend to 15 days, or with fine which may extend -to five hundred rupees, or with both.
- Willful trespass. **110.** Whoever without sufficient cause willfully enters or remains in or upon any dwelling house or premises or land or ground attached thereto, or on any ground, building, monument or structure belonging to Government or used for public purposes, or on any vehicle, shall, on conviction, whether he causes any actual damage or not, be punished with imprisonment which may extend to fifteen days or with fine which may extend to five hundred rupees, or with both.
- False alarm of fire or damage to fire **111.** Whoever knowingly gives or causes to be given a false alarm of fire to the fire brigade of the Government or the Corporation or a municipality or to an)' . officer or fireman thereof, whether by means of a street fire alarm, statement. message or otherwise, or with intent to give such false alarm willfully

brigade. breaks the glass of, or otherwise damages a street fire alarm, shall, on conviction, be punished with imprisonment for a term which may extend to one month or with fine which may extend to one thousand rupees, or with both.

Being found under suspicious circumstances between sunset and sunrise.

- 112.** Whoever is found between sunset and sunrise -----
- (a) armed with any dangerous instrument with intent to commit an offence; or
 - (b) in any dwelling-house or other building, or on any vehicle, without being able to account satisfactorily for his presence there ; or
 - © lying or loitering in any street, yard or other place, being a reputed thief and without being able to give a satisfactory account of him self; or
 - (d) having in his possession without lawful excuse (the burden of proving which excuse shall be on such person) any implement of house breaking, shall, on conviction, be punished with imprisonment for a term which may extend to three months.

Possession of property of which no satisfactory account can be given. Omission by pawn-brokers, etc. to report to police possession or tender of property suspected to be stolen.

113. Whoever has in his possession or conveys in any manner, or offers to transfer by sale or otherwise, anything which there is reason to believe is stolen property or property fraudulently obtained, shall if he fails to account for such possession or conveyance or offer for sale or otherwise to the satisfaction of the Magistrate, on conviction, be punished with imprisonment for a term which may extend to one year or with time which may extend to one thousand rupees, or with both.

114. Whoever being a pawn-broker, dealer in second hand property, or worker in metals, or reasonably believed to be such a person by the Commissioner or Superintendent of Police in the areas under their respective charges, and having received from a police officer written or printed information in relation to any property suspected to have been transferred by any offence mentioned in section 410 of the Indian Penal Code or by any offence punishable under section 417, section 418, section 419 or section 420 of the said Code, is found in possession, or after the receipt of such information, comes into possession or has an offer, either by way of sale, pawn, exchange, or for custody, alteration or otherwise howsoever, made to him, of property answering the description contained in such information, shall, unless :-

- (i) he forthwith gives information to the Commissioner or Superintendent of Police as the case may be, or at a police station of such possession or offers and takes all reasonable means to ascertain and to give information as aforesaid of the name and address of the person from whom the possession or offer was received, or
- (ii) the property, being an article of common wearing apparel or otherwise, is incapable of identification from the written or printed information given and has been in no way concealed after the receipt of such information, on conviction, be punished With fine which may extend to fifty rupees in respect of each such article of property so in his possession or offered to him.

Melting etc. of property referred to in sec. 114.

115. Whoever having received such information' as is referred to in section 114 alters, melts, defaces or puts away or causes or suffers to be altered, melted defaced or put away, without the previous permission of the police, any such property as is referred to in that section shall, on proof that the same was stolen property within the meaning of section 410 of the Indian Penal Code. or property in respect of which any offence punishable under section 417, section 418, section 419 or section 420 of the said Code has been committed, be punished with imprisonment for a term which may extend to three years or with fine, or with both.

Taking pledge from child.

116. Whoever takes from any child, not appearing to be above the age of fourteen years, any article whatsoever as a pawn, pledge or security for any sum of money lent, advanced or delivered to such child or without the knowledge and consent of the owner of the article buys from such child any article whatsoever, shall on conviction, be punished with fine which may extend to five hundred rupees.

Suffering disorderly conduct at places of public amusement etc.

117. Whoever, being 'the keeper of any place of public amusement or public entertainment, knowingly permits or suffers drunkenness or other disorderly behaviour or any gambling whatsoever, in such place, shall, on conviction, be punished with fine which may extend to five hundred rupees. '

Cheating at games and

118. (1) Whoever by any fraud or unlawful device or malpractice in playing at or with cards, dice or other game or in taking part in the stakes or wagers, or in betting on the sides or hands of the players, or in wagering on the event of any game, sports, pastime or exercise, wins from any other person, for himself

gambling in street.

or any other or others any sum of money or valuable "filing, shall be deemed to have committed the offence of cheating within the meaning of section 415 of the Indian Penal Code, and be liable to punishment accordingly.

(2) Whoever assembles with others, or joins any assembly, in a street assembled for the purpose of gambling or wagering shall, on conviction, be punished with fine which may extend to five hundred rupees. .

Penalty for contravening regulations, etc. under section 40.

119. Except as provided in section 121, whoever contravenes or abets the contravention of, any regulation made under section 61 or any of the conditions of a license issued under such regulation shall, on conviction, be punished if the regulation was made under clause (a) of sub-section (1) of section .61 providing for ,the prohibition of the sale, or exposure for sale, of any goods on any street or portion thereof so as to cause obstruction to traffic or inconvenience to the public -

(i) *for* the first offence, with imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both; and

(ji) *for* any subsequent offence, with imprisonment *for* a term which may extend to six months and with fine which may extend to one thousand rupees

(b) if the regulation was made under clause (c), (g), (h) or (.i), sub-clause (i) or (ii) of clause (r) or clause (*u*) of sub-section (1) of Section 61 with imprisonment for a term which may extend to seven days, or with fine which may extend to two hundred rupees or with both;

(c) if the regulation was made under clause (n) or (o) of sub-section (1) of section 61 with fine which may extend to five hundred rupees; and

(d) if the regulation was made under any clause of sub-section (1) of section 61 and for the contravention of which no penalty is provided under clause (a), (b) or (c) of this section-, with fine which may extend to two hundred rupees.

Liability of licensee of place of public amusement or entertainment for acts of servants. Penalty for not obtaining licence in respect of place of public entertainment or certification in respect of eating house or for not renewing such licence or certificate within prescribed period.

120. The holder of a license granted under this Act in respect of a place of public amusement or public entertainment shall be responsible, as well as the primary offender for any offence under section 119 committed by his servant or other agent acting with his express or implied permission on his behalf as if he himself had committed the same unless he establishes that all due and reasonable precautions were taken by him to prevent the commission of such offence.

121. (1) Whoever fails to obtain a license under this Act in respect of a place of public entertainment or a certificate of registration there under in respect of any eating house, or to renew the licence or the certificate, as the case may be, within the prescribed period shall on conviction, be punished with fine which may extend to two hundred rupees.

(2) Any court. trying any such offence shall, in addition, direct that the person keeping the place of public entertainment, or the eating house in respect of which the offence has been committed shall close such place, or eating house, until he obtains a license or fresh license, or a certificate of registration or fresh certificate of registration, as the case may be, in respect of thereof and thereupon such person shall forthwith comply with such direction.

(3) If the person fails to comply with any such direction, he shall, on conviction be punished with imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees or with both.

(4) Without prejudice to any action taken under sub-section' (3), on the failure of such person to comply with the direction of the court, any police officer authorized by the Commissioner or Superintendent of Police as the case may be, by an order in writing, may take or cause to be taken such steps and use or cause to be used such force as may, in the opinion of such officer, be reasonably necessary for securing compliance with the court's direction.

Penalties for contravention of orders etc. under sections 62,63,64,65,66 and 67.

122. (1) whoever contravenes, disobeys, opposes or fails to conform to any order given by a police officer under section 62 shall, on conviction, be punished with fine which may extend to two hundred rupees.

(2) whoever contravenes a notification or an order made under section 63, section 65, section 66, or section 67 or abets the contravention thereof, shall, on conviction, be punished-----if the said notification or order was made under sub-section (1) of section 63, or under section 66 or section 67, with imprisonment for a term which shall not be less than four months but which may extend to one year,

and shall also be liable to fine;

Provided that the court may, for adequate and sufficient reasons to be mentioned in the judgment, impose

a sentence of imprisonment for a term of less than four months;

- (a) if the said order was made under sub-section (2) of section 63 with imprisonment for a term which may extend to one month, or with fine which may extend to one thousand rupees, or with both;
 - (b) if the said notification was made under sub-section (3) of section 63 with fine which may extend to five hundred rupees ; or
 - (c) if the said order was made under section 65 with imprisonment for a term which may extend to three month's ,or with fine which may extend to one thousand rupees, or with both .
- (3) Whoever opposes or fails to conform to any direction given by a police officer under section 64 shall ,on conviction , be punished with fine which may extend to one thousand rupees .

Penalty for contravention of regulations etc., Made under section 68,69,70.

123. Whoever contravenes, or abets the contravention of , any regulation, notice or order made under section 68,

section 69 or section 70 shall ,on conviction , punished with imprisonment which may extend to three month's or with fine which may extend to one thousand rupees, or with both .

Penalty for contravention of order under section 79.

124. Whoever contravenes any order made under section 79 shall , on conviction , be punished with imprisonment for a term which may extend to three years, or with fine, or with both.

Penalty for opposing or not complying with direction given under clause (b) of sub-sec. (1) of section 46.

125.Whoever opposes or fails forthwith to comply with any reasonable requisition made by a police officer under clause (b) of sub-section (1) of sec.46 or abets the opposition thereto or failure to comply therewith,

shall on conviction , be punished with imprisonment for a term which shall not be less than four months but with may extend to one year and shall also be liable to fine :

Provided that the court may, for adequate and special reasons to be mentioned in the judgment, impose

a sentence of imprisonment for a term of less than four month's.

Penalty for contravening directions under sec. 51.

126. Whoever opposes or fails to conform to any direction given by any police officer under section 51 or abets

the opposition or failure to conform to such direction shall, on conviction, be punished with fine which may extend to two hundred rupees.

Dangerous performance.

127. (1) No person shall without the previous permission of the Commissioner or Superintended of Police as the

case may be and except in accordance with any conditions subject to which such permission is granted hold or give in any place which is likely to cause an assembly of persons, any performance in which or during which he buries himself under ground or seals himself in any room or receptacle or other thing

,in

such manner as to prevent all access of air to him and for such time as could ordinarily result in death by suffocation.

(2) If any person contravenes or attempts to contravene the provisions of sub-section (1) , he shall , on conviction, be punished with imprisonment for a term which may extend to one year or with fine or with

both,

(3) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, the offence punishable

under this section shall be cognizable.

Penalty for making false or misleading statement, etc. and for misconduct of police officers

- 128.** (a) Any person who makes a false statement or a statement which is misleading in a material particulars or
- uses a false document for the purpose of obtaining employment or release from employment as a police officer, or
 - (b) any police officer who—
 - (i) is guilty of cowardice, or
 - (ii) being a police officer of subordinate rank, resigns his office or withdraws himself from duties thereof in contravention of sec.38 ;or
 - (iii) is guilty of any willful breach or neglect of any provision of law or of any rule or regulation or any order which he is bound to observe or obey; or
 - (iv) is guilty of any violation of duty for which no punishment is expressly provided by any other law in force; or
 - (v) being in a state of intoxication, while on duty;
 - (vi) malingering or feigning or voluntarily causing hurt to himself with the intention to render himself unfit for the service ; or
 - (vii) being grossly insubordinate to his superior officers or using criminal force against superior officer ‘ or
 - (viii) engage himself or participate in any demonstration, procession or strike or resort to or in any way abet any form of strike or coercion or physical duress to force any authority to concede anything, shall ,on conviction be punished with imprisonment for a term which may extend to one year, or with fine which may extend to five hundred rupees, or with both .

Explanation :

A Police Officer who being absent on leave fails without reasonable cause , to report himself for duty on the expiration of such leave shall , for the purpose of sub-clause (ii) of clause (b) be deemed to withdraw himself from the duties of his office within the meaning of section 59.

Vexatious entry, search, arrest etc. by police officer.

- 129.** Any Police Officer who ----
- (a) with without lawful authority or reasonable cause enters or searches , or causes to be entered or searched , any building, vessel, tent or place ; or
 - (b) vexatiously and unnecessarily seizes the property of any person ; or
 - (c) vexatiously and unnecessarily detains, searches or arrests any person ; or
 - (d) offers any unnecessarily personnel violence to any person in his custody; or
 - (e) holds out any threat or promise not warranted by law, shall, for every such offence, on conviction, be punished with imprisonment for a term which may extend to one year, or with fine which may extend to five hundred rupees, or with both.

Penalty for vexatious delays in forwarding a person arrested.

- 130.** Any police officer who veraciously and unnecessarily delays the forwarding of any person arrested to a Magistrate or to any other authority to whom he is legally bound to forward such person, shall, on conviction, be punished with imprisonment for a term which may extend t one year, or with fine which may extend to five hundred rupees, or with both.

Penalty for unauthorized use of police

- 131.** If any person not being a member of the State Police wears, without the permission of an officer authorized by the State Government in this behalf by general or special order, the uniform of

uniform.	<p>the State Police or any dress having the appearance or bearing any of the distinctive marks of that uniform, he shall, on conviction, be punished with fine which may extend to two hundred rupees.</p>
Prosecution of police officer.	<p>132. (1) No court shall take cognizance of any offence under this Act when the accused person or any one of the accused is a police officer except on a report in written of the facts constitution such offence by, or with the previous sanction of an officer authorized by the State Government in this behalf.</p> <p>(2) No court below that of an Metropolitan Magistrate or a Magistrate of the first class shall try any offence under this Act when the accused person or any one of the accused person is a Police Officer.</p>
Power to make regulations regarding carrying weapons without authority.	<p>133. (1) The Commissioner or Superintendent of Police in the areas under their respective charges may, by notification in the official gazette, make regulations to provide that no person, other than a member of the armed forces of the Union acting as such or a police officer, shall go armed with any sword, spear, bludgeon, gun or other offensive weapon or with any explosive or corrosive substance in any street or public place unless so authorized by such authority as may be specified in such regulations.</p> <p>(2)" Any regulation made under sub-section (1) may provide that any police officer may seize any weapon or firearm carried in contravention of such regulation and the weapon or substance so 'Seized shall be forfeited to the Government~ unless redeemed within two months by payment of such fine, not exceeding five hundred rupees, as the Commissioner of Police or Superintendent of Police, as the case may be, imposes. .</p>
Prosecution for offence under other enactment not affected.	<p>134. Subject to the provisions contained in section 300 of the Code of Criminal Procedure, 1973, nothing in this Act shall be construed to prevent any person from being prosecuted and punished under any other law for anything made punishable by this Act or from being prosecuted and punished under this Act for anything made punishable under any other law.</p>
Prosecution for certain offences against this act to be in the Discretion of police.	<p>135. It shall not, except in obedience. to a rule, regulation or order made by State Government or by the Director General/Inspector General of Police, be in cumbellt on the Police to prosecute for an .offence punishable under section 107, section 114, sub-section (1) of section 122, section 123, section 126 when such offence has not occasioned serious mischief and has been promptly desisted from on a warning being given.</p>
Power to compound certain offences.	<p>136. An offence punishable under section 107 or under clause (a), (b) or (c) of section 119 may be compounded, if the offender pays, on the spot or at a designated place on demand by a Police Officer of such rank as the State Government may, by notification in the official gazette prescribe, such amount as may be prescribed for the offence by the State Government.</p>
Summary disposal of certain cases.	<p>137. (1) A court taking cognizance of an offence punishable under section 107 or under clause (a), (b) or (c) of section 119 may state upon tne summons to be served on the accused person that he may, by a specified date prior to the hearing of the charge plead guilty to the charge by registered letter and remit to the court such sum not exceeding five hundred rupees in the case of an offence punishable under section 107 and in any other case rupees two hundred, as the court may specify.</p> <p>(2) Where an accused person pleads guilty and remits the sum specified in the summons, under sub- section (1), no further proceedings in respect of ~he offence shall be taken against him.</p>
Offence by companies.	<p>138. (1) Where an offence under this Act has been committed by a company, every person who at the time ~he offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as well company, shall be deemed to be guilty of the offence, and shall be liable to be proceeded against and punished accordingly: "-Provided that nothing contained in this sub-section shall Tender any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due' diligence to prevent the</p>

commission of such offence.'

(2) Notwithstanding anything contained- in sub-section (1), "where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or that the commission of the offence is attributable to, any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary -or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation: "

For the purposes of this section -

- a. "company" means a body corporate, and includes a firm or other association of individuals; and.
- b. "director", in relation to a firm, means a partner in the firm.

CHAPTER XI

MISCELLANEOUS

Disposal of fees, rewards, etc.

139. All fees paid for licenses or written permissions issued under this Act, and all sums paid for the service of processes by Police Officers and all rewards; forfeitures and penalties or shares thereof which are by law payable to Police Officers as informers shall, save in so far as any such fees or sums belong under the provisions of any enactment in force to any local authority, be credited to the State Government:

Provided that with the sanction of the State Government, or under any rule made by the State Government in that behalf, the whole or any portion of any such rewards, forfeiture or penalty may for special services, be paid to a Police Officer, or be divided amongst two or more Police Officers.

Method of proving orders and notifications.

140. Any order or notification published or issued by the State Government or by a Magistrate or officer under any provision of this Act, and the due publication or issue thereof may be proved by the production of a copy thereof in the Official Gazette, or of a copy thereof signed by such Magistrate or Officer, and by him certified to be a true copy of an original published or issued according to the provisions of the section of this Act applicable there to.

Rules and order not invalidated by defect of form or irregularity in procedure.

141. No rule, order, direction, adjudication, inquiry or notification made or published, and no act done under any provision of this Act or of any rule made, under this Act, or in substantial conformity to the same, shall be deemed illegal, void, invalid or insufficient by reason of any defect of form or any irregularity of procedure.

Officers holding charge of, or succeeding to, vacancies competent to exercise powers.

142. Whenever in consequence of the Office of a Commissioner, or police Officer becoming vacant, any officer

holds charge of the post of such Commissioner, or Police Officer or succeeds, either temporarily or permanently, to his office, such officer shall be competent to exercise all the powers and perform all the duties respectively conferred and imposed by this Act on such Commissioner, Magistrate or Police Officer, as the case may be.

No police officer to be liable or damage for act done in good faith in pursuance of duty.

143. No police officer shall be liable to any penalty or to payment of damages on account of an act done in good

faith in pursuance or intended pursuance of any duty imposed or any authority conferred on him by any provision of this Act or any other law for the time being in force or any rule, order or direction made or given therein.

No public servant liable as aforesaid for giving effect in good faith to any rule, order or direction issued with

144. No public servant or person duly appointed or authorized shall be liable to any penalty or to payment of any damages for giving effect in good faith to any such order or direction issued with apparent authority by the State Government or by a person empowered in that behalf under this Act or any rule, order or direction made or given there under.

145(1) In any case of alleged offence by a Police Officer or other person, or of a wrong alleged to have been done by a Police Officer or other person, by any act done under colour or in excess of any such duty or

apparent authority. Suits or prosecutions in respect of acts done under colour of duty as aforesaid not to be entertained, or to be dismissed if not instituted within the prescribed period. Licence and written permissions to specify conditions, etc. and to be signed. Revocation of licences etc.

When licence revoked, etc. granted to be deemed without licence. Grantee to produce licence etc., when required.

Public notices how to be given.

Consent etc., of a competent authority.

Signature on notices, etc., may be stamped.

Persons interested may apply to state

authority as aforesaid, or wherein, it shall appear to the Court that the offence or wrong if committed or done was of the character aforesaid, the prosecution or suit shall not be entertained, or shall be dismissed, if instituted, more than 3 months after the date of the act complained of.

(2) In the case of an intended suit on account of such a wrong as aforesaid, the person intending to sue shall be bound to give to the alleged wrong-doer one month's notice at least of the intended suit with sufficient description of the wrong complained of, failing which such suit shall be dismissed.

(3) The plaint shall set forth that a notice as aforesaid has been served on the defendant and the date of such service, and shall state whether any and if any, what tender of amends has been made by the defendant. A copy of the 'said notice shall be annexed to the plaint endorsed or accompanied with a declaration by the plaintiff of the time and manner of service thereof.

146. (1) Any licence or written permission granted under the provisions of this Act shall specify the period and locality for which, and the conditions and restrictions subject to which, the same is granted, and shall be given under the signature of the competent authority and such fee shall be charged therefore as is prescribed by rule under this Act in that behalf.

(2) Any licence or written permission granted under this Act may at any time be suspended or revoked by the competent authority if any of its conditions or restrictions is infringed or evaded by the person to whom it has been granted, or if such person is convicted of any offence in any matter to which such licence or permission relates~

(3) When any such licence or written permission is suspended or revoked, or when the period for which the same was granted has expired, the person to whom the same was granted shall, for all purposes of this Act, be deemed to be without a licence or written permission, until the order for suspending or revoking the same is cancelled, or until the same is renewed, as the case may be. '

(4) Every person to whom any such licence or written permission has been granted shall, while the same remains in force, at all reasonable times, produce the same if so required by a Police Officer.

Explanation:

For the purpose of this section any such infringement or evasion by, or conviction of, a servant or other agent acting on behalf of the person to whom the licence or written permission has been granted shall be deemed to be infringement or evasion by, or as the case may be, conviction of, the person to whom such licence or written permission has been granted.

147. Any public notice required to be given under any of the provisions of this Act shall be in writing under the signature of a competent authority and shall be published in the locality to be affected thereby, by affixing copies thereof in conspicuous public places, or by proclaiming the same with beat of drums, or by advertising the same in such local newspapers, -in regional languages and English or Hindi -as the said authority may deem fit, or by any two or more of these means and by any other means it may think suitable.

148. Whenever under this Act, the doing or the omitting to do anything or the validity of anything depends upon the consent, approval, declaration, opinion or satisfaction of a competent authority, a written document signed by a competent authority purporting to convey or set forth such consent, approval, declaration, opinion or satisfaction shall be sufficient evidence thereof. .

149. Every licence, written permission, notice or other document, not being a summons or warrant or search warrant, required by this Act, or by any rule thereunder, to bear the signature of the Commissioner or the Superintendent of Police, as the case may be, shall be deemed to be properly signed if it bears a facsimile of his signature stamped thereon.

150. (1) In the case of any rule or order made by the state Government under an authority conferred by this Act and requiring the public or a particular class of persons to perform some duty or act, or to conduct or order themselves or those under their control in a manner therein described, it shall be competent to any

Government to annul, reverse or alter any rule or order. When a suit shall lie to the District Court declare a rule or order unlawful.

person interested to apply to the State Government by a memorial given to a Secretary to the State Government to annul, reverse or alter the rule or order aforesaid on the ground of its being unlawful, oppressive or unreasonable. '

- (2) After such an application as aforesaid and the rejection thereof wholly or in part or after the lapse of four months without an answer to such application or a decision thereof published by the State Government, it shall be competent to the person interested and deeming the rule or order contrary to law to institute a suit against the State for a declaration that the rule or order is unlawful either wholly or in part. The decision in such suit shall be subject to appeal, and a rule or order finally adjudged to be unlawful shall by the State Government be annulled or reversed or so altered as to make it conformable to law.

Power to make rules.

151. (1) The State Government may make rules for carrying out the purposes of this Act.

- (2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :-

(a) recruitment to and the pay, allowances and other conditions of service of the members of the State Police under section 4;

(b) the manner of selection and appointment of Director General/Inspector General of Police under section 5;

(c) the manner of publication, under sub-section (2) of section 26, by the Commissioner for the Superintendent of Police, of the names of special police officers appointed under that section ;

(d) matters that may be prescribed under section 43 ;

(e) form of receipt to be given in respect of any article detained under section 48 ;

(f) awarding of any of the punishments referred to in sub-section (1) or sub-section (2) of Section 53 to any police officer of subordinate rank ;

(g) procedure for awarding punishments under section 55 ;

(h) determination of the cost of employing additional police under sub-section (2) of Section 53 to any police officer of subordinate rank ;

(g) procedure for awarding punishments under section 55 ;

(h) determination of the cost of employing additional police under sub-section (2) of section 71;

(i) manner of constituting defense societies under sub-section (10) of section 80 ;

(j) the authority to whose satisfaction claims are to be established under sub-section (2) of section 87 and the form and the manner in which claims may be made under that sub-section ; the procedure for dealing with such claims and all other matters connected therewith under that section ;

(K) prescribing the ranks of police officers and fines referred to in section 136

(l) payment to any police officer or division among two or more police officers the whole or any portion of any reward, forfeiture or penalty, under the provision to section 139 ; and

(m) any other matter which has been or may be, prescribed or provided for by rules, under this Act.

152.(1) Every rule and regulation made under this Act shall be made by' .otification in the official Gazette.

Notification of rules and regulations in the official gazette and laying of rules and regulations.

{2} Every rule and regulation made under this Act shall be laid, as soon as may be after it is made before the State Legislature, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, the State Legislature agree in making any modification in the rule or regulation as the case may be, or the State Legislature agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified

form or be of no effect, 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 or regulation. .

153 (1) The enactments specified in Part I of Schedule I are hereby repealed

Repeal and savings.

Provided that –

- (i) all rules prescribed, appointments made, powers conferred, orders made or passed, directions and certificates issued, consent, permit, permission or licences given, summons or warrants issued or served, person arrested or detained or discharged on bail or bond, search warrants issued, bond forfeited, penalty incurred under any such enactment shall, so far as they are consistent with this Act, be deemed to have been respectively prescribed, made, conferred, given, passed, served, arrested, detained, discharged, forfeited and incurred there under;
 - (ii) all references made in any enactment to any of the enactments so ceasing to be in force shall be construed as references to the corresponding provision of this Act.
- (2) Nothing in sub-section (1) shall be deemed to affect -
- (a) the validity, invalidity, effect or -consequence of anything done or suffered to be done in an area before the date on which the provisions of this Act come into force in such area;
 - (b) any right, privilege, obligation or liability already acquired, accrued or incurred before such date;
 - (c) any penalty, forfeiture or punishment incurred or inflicted in respect of any act before such date;
 - (d) any investigation, legal proceeding or remedy in respect of such right, privilege, obligation, liability, penalty, forfeiture or punishment;
 - (e) any legal proceeding pending in any court or before any officer on the aforesaid date or anything done or suffered to be done in the course of such proceedings, and any such proceeding or any appeal or revisional proceedings arising out of such proceeding shall be instituted, continued or disposed of, as the case may be, as if this Act had not been enacted.

Existing Police Force deemed to be constituted under this Act.

154. Without prejudice to the provisions contained in Section 153, the Police Force functioning in the State of....., immediately before the commencement of this Act, shall on such commencement, be deemed to be Police Force constituted under this Act.

155. Saving of laws relating to village and Armed Police - (To be drafted by each State Government).

Power to remove difficulties.

156. (1) If any difficulty arises in giving effect to the provisions of this Act in consequence, of the transition to the said provisions from the provisions of the enactments mentioned in Schedule I, the State Government may, by notification in the Official Gazette, make such provisions as appear", to it to be necessary or expedient for removing the difficulty:

Provided that no such notification shall be issued after the expiry of two years from the commencement of this Act. -

(2) Every notification issued under" this section shall, as soon as may be after it is issued, be laid before the State Legislative Assembly.

SCHEDULE I

Year	No.	Short Title
1861	V	The Police Act, 1861

(Note:- Such other Acts which are in force are also to be included.)

SCHEDULE II
(See Section 21)

1
Form of oath or affirmation by members of Police Force

.1, do swear/solemnly affirm that I will be faithful and bear true allegiance to India and to the Constitution of India as by law established; that as a member of the police in the State of..... I will honestly, impartially and truly serve the people without favour or affection, malice or ill-will; that I will to the best of my ability, skill and knowledge discharge, according to law, such functions and duties as may be entrusted to me as a police officer, and in such a manner as to uphold and protect the dignity and rights of the citizens as proclaimed in the Constitution.

SCHEDULE III

(See Section 22)

SEAL

(Photograph to be affixed in the case of Inspectors, and Sub-Inspectors)

CERTIFICATE OF APPOINTMENT IN THE POLICE FORCE

No.....

Certificate of Appointment issued under the Police Act..... Mr..... has been appointed as and is invested with the powers, functions, and privileges of a Police Officer under thePolice Act of..... In the District Police/ Railway Police /Area under the charge of the Commissioner for On the day of 19 .

Signature.....

Designation.....

SCHEDULE IV

(See Section 57)

Authorities competent to order suspension

S. No.	Rank of officers on Whom suspension order is to be made	Authority competent to issue orders
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Inspector, Sub-Inspector, Assistant And officers of Corresponding ranks.	Officers of rank of Superintendent of Police.
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Head constables, Police Constable and Officers of corresponding ranks.	“ ” “
Authorities competent to order transfer	

S. No.	Rank of officers on Whom suspension order is to be made	Authority competent to issue orders
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Inspector, Sub-Inspector, Assistant And officers of Corresponding ranks.	Officers of rank of Superintendent of Police.
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2. Assistant Sub-Inspector, Head constables Police Constable and Officer of	Officer of the rank of Assistant Superintendent of Police or
--	---

corresponding ranks.

Deputy Superintendent of Police.

SCHEDULE V

(See Section 83)

PART I

Central Acts

The Press and Registration of Books Act, 1867.
The Indian Explosives Act, 1884.
The Indian Lunacy Act, 1912.
The Poisons Act, 1919.
The Police (Incitement to Disaffection) Act, 1922.
The Cinematograph Act, 1952.
The Suppression of Immoral Traffic in Women and Girls Act, 1956.
The Arms Act, 1959..

PART II

Note

(The State Acts as may be included under this section are to be specified under this part. Such of the State Acts which regulate Habitual Offenders, Gambling, Begging, Dramatic performances etc., may be specified under this part.)

Appendix 11

(Para 64.2, Chapter LXIV)
D.O. No. 1/7.7/NPC-SG
Government of India
Ministry of Home Affairs

C. V. Narasimhan

Member Secretary

National Police Commission,
New Delhi
28th December, 1977.

Dear Sir,

The National Police Commission constituted by -the Government of India in Ministry of Home Affairs Resolution No. VI-24021/36/77-GPA.I dated the 15th November, 1977 (copy enclosed for ready reference -Annexure I) held its first meeting on 22nd December, 1977, and observed, *inter alia*, that it would greatly facilitate the work of the Commission if the various issues arising from the terms of reference are examined in the first instance by a Study Group in each State and its assessment report is made available to the Commission. I am to request that a Study Group may kindly be set up accordingly in your State, keeping in view the following guidelines:-

- (i). The chairman of the Study Group may be a prominent person with a background of wide experience in administration and/or having association with social work or public welfare activities of a non-political nature. -
- (ii) One or two senior retired officers of Chief Secretary's or Inspector's General rank may be included among the members.
- (iii) Two or three members could be drawn from non-officials in the political or academic or administrative fields.
- (iv) A senior serving police officer of the rank of D.I.G. or above may function as the Convener of the Study

Group. It would be helpful if the Inspector-General of Police himself: could kindly take up this function, I having regard to ~he importance of the proposed exercise.

- (v) Membership of the Study Group including the chairman and the Convener may not exceed seven. Others may be co-opted as Advisers to examine any specific issue as and when necessary.
2. The Study Group may be requested to examine the terms of reference of;~, the Commission and identify the related subjects for study. Some subjects that could be taken up by the Study Group straight. away are furnished in Annexure, II. Additional subjects considered relevant by the Study Group may also be gone! into and covered in their final report.
 3. Some senior officers with administrative experience in certain Government. Departments like law, labour, jails, correctional services, local administration and. education, may be associated with the Group for studying certain selected items like Sl. Nos. 4, 14, 15, 21, 24, 25 and 35 in the list at Annexure II.
 4. While making studies the Group may take due note of the actual ground position in the districts, particularly at the village, taluk and police station level.
 5. In selected districts it may be of advantage to form small Study Groups comprising taluk/police station level officers also to secure response from their level to some of the pressing issues. The views of these Groups may then be taken into account before the State level Study Group evolves its recommendations. Some examples of subjects that could be considered by taluk police station level Study Groups are Sl. Nos. 6, 7., 13, 14, 15, 16, 17, 20, 21, 28, 30 and 33 in the list at Annexure II.
 6. The names of the Chairman, Convener and other members of the Study Group may please be intimated very early to the undersigned.
 7. A copy of this letter is being marked to your Inspector-General of Police so that he may identify and earmark suitable senior police officers to assist the Study Group as the work progresses. .
 8. It is clarified that the views and suggestions of the Study Group will be that of the Group only and will not be taken to reflect the State Government's views on any issue or commit the State Government to any related matter.
 9. I shall be grateful if arrangements are made for the study Group in your State to start its work immediately and plan its deliberations in such a manner as to send us its report with recommendations before the 31st March, 1978.
 - 10.' A brief conference of the Conveners of Study Groups in different 'regions is proposed to be held in February, 1978 at convenient regional centers to assess the progress of studies and clarify matters for their expeditious completion.

Yours faithfully,

Sd./-
(C. V. NARASIMHAN)

Encl: As above

To the Chief Secretaries
(as per list attached)

