

THE POLICE ACT, 1861

(Act 5 of 1861, dt. 22-3-1861)

An Act for the Regulation of Police

Preamble—Whereas it is expedient to re-organise the police and to make it a more efficient instrument for the prevention and detection of crime;

It is enacted as follows:—

1. Interpretation clause

The following words and expressions in this Act shall have the meaning assigned to them, unless there be something in the subject or context repugnant to such construction, that is to say—

the words “Magistrate of the district” shall mean the chief officer charged with the executive administration of a district and exercising the powers of a Magistrate, by whatever designation the chief officer charged with such executive administration is styled;

the word “Magistrate” shall include all persons within the general police-district, exercising all or any of the power of a Magistrate;

the word “police” shall include all persons who shall be enrolled under this Act;

the words “general police-district” shall embrace any presidency, State or place, or any part of any presidency, State or place, in which this Act shall be ordered to take effect;

¹[the words “District Superintendent” and “District Superintendent of Police” shall include any Assistant District Superintendent or other person appointed by general or special order of the ²[State Government] to perform all or any of the duties of a District Superintendent of Police under this Act in any district;]

the word “property” shall include any moveable property, money, or valuable security;

³[xxx]

the word “person” shall include a company or corporation;

the word “month” shall mean a calendar month;

the word “cattle” shall, besides horned cattle, include elephants, camels, horses, asses, mules, sheep, goats and swine.

⁴[References to the subordinate ranks of a police force shall be construed as references to members of that force below the rank of Deputy Superintendent.]

¹ Inserted by Act 8 of 1895.

² Substituted for “Provincial Government” by AO 1950.

³ The definitions relating to “number” and “gender” omitted by Act 10 of 1914.

⁴ Inserted by AO 1937.

STATE AMENDMENTS**Pondicherry**

Section 1 shall be re-numbered as sub-section (1) thereof and after sub-section (1) so re-numbered, insert the following as sub-section (2), namely:—

"(2) Unless the context otherwise requires,—

- (a) 'public place' means a place (including a road, street or way, whether a thoroughfare or not, and a landing place) to which the public are granted access or have a right to resort, or over which they have a right to pass;
- (b) 'State Government' means the Central Government and includes the Administration of the Union Territory of Pondicherry appointed by the President under article 239 of the Constitution.

[Vide Pondicherry Act 6 of 1966, w.e.f. 10.3.1966]

Tamil Nadu

In section 1, after the definition of the word 'cattle', insert the following, namely:—

"The words 'public place' shall mean a place (including a road, street or way, whether a thoroughfare or not, and a landing place) to which the public are granted access to have a right to resort, or over which they have a right to access."

[Vide Tamil Nadu Acts 22 of 1955, w.e.f. 21.9.1955; 14 of 1962, w.e.f. 9.1.1963]

Uttar Pradesh

In section 1,—

- (i) for the existing fifth class defining the words "District Superintendent", substitute the words "District Superintendent" and "District Superintendent of Police" shall include an Additional District Superintendent or Joint District Superintendent or Assistant District Superintendent or other person appointed by general or special order of the State Government to perform all or any of the duties of a District Superintendent of Police under this Act in any district."

[Vide Uttar Pradesh Act 10 of 1984]

- (ii) after the definition of the word "property", insert the following definition, namely:—
"The expression "civil aviation personnel" shall mean such officers and employees of the Civil Aviation Department posted in the maintenance, security and general administration wing of the Civil Aviation Directorate, Uttar Pradesh, immediately before the commencement of the Police (Uttar Pradesh Amendment) Act, 2001, as may be specified in this behalf by the State Government by notification, and shall include any person appointed as a civil aviation personnel after such commencement."

[Vide Uttar Pradesh Act 33 of 2001, w.e.f. 10.8.2001]

2. Constitution of the force

The entire police-establishment under a ¹[State Government] shall, for the purposes of this Act, be deemed to be one police force, and shall be formally enrolled; and shall consist of such number of officers and men, and shall be constituted in such manner, ²[xxx] as shall from time to time be ordered by the ¹[State Government].

³[Subject to the provisions of this Act, the pay and all other conditions of service of members of the subordinate ranks of any police force shall be such as may-be determined by the ¹[State Government].]

¹ Substituted for "Provincial Government" by AO 1950.

² Words "and the members of such force shall receive such pay" omitted by AO 1937.

³ Inserted by AO 1937.

STATE AMENDMENTS

Uttar Pradesh

After section 2, insert the following section, namely:—

"2A. Civil aviation personnel to be police force

(1) The provisions of this section shall have effect notwithstanding anything contained in any other provisions of this Act or in any other law for the time being in force.

(2) On and from such date as the State Government may, by notification, appoint in this behalf, the entire civil aviation personnel employed immediately before that date shall, for the purposes of this Act, become members of a police force and shall be formally enrolled in accordance with the provisions of section 8A and any new such members shall, thereafter, be appointed in such manner as shall, from time to time, be ordered by the State Government:

PROVIDED that any civil aviation personnel employed before the said date may, by notice addressed to the Director General, Civil Aviation, Uttar Pradesh served within a period of thirty days from the said date, intimate his option not to become a member of the said police force, and upon receipt of such notice, the post in the Civil Aviation Department held until then by him shall stand abolished and his services shall stand terminated and he shall be paid an amount equivalent to his three months' salary as compensation.

(3) The pay and allowances payable to, and the other terms and condition of service of civil aviation personnel shall be such as may be prescribed by rules made by the State Government.

(4) The civil aviation personnel shall discharge such duties as may be specified by general or special orders of the State Government from time to time pertaining to maintenance of aircraft belonging to, or hired by the State Government, security at the Airport at Lucknow or at any other airport specified by a general or special order of the State Government and other duties incidental thereto or connected therewith.

(5) The Civil aviation personnel shall have such privileges and exercise such powers necessary for the discharge of the said duties as may be specified by general or special orders of the State Government.

(6) The administration of the civil aviation personnel shall be vested in the Director General, Civil Aviation, Uttar Pradesh who shall be assisted by the Additional Director (Administration), Civil Aviation, Uttar Pradesh and such other officers and employees as may be Specified by the State Government from time to time.

[Vide Uttar Pradesh Act 33 of 2001, w.e.f. 10.8.2001]

West Bengal

After section 2, the following section 2A shall be inserted and shall be deemed always to have been inserted:—

"2A. Power of State Government to make rules

(1) Subject to the provisions of this Act, the State Government may make rules relating to recruitment, conditions of service, disciplinary proceedings and punishments in respect of members of the subordinate ranks of the police force.

(2) Any rules, orders or regulations made before the commencement of the Police (West Bengal Amendment) Act, 1963, by any authority in respect of the aforesaid matters shall insofar as they are not inconsistent with the provisions of this Act, be deemed to have been validly made and shall continue in force until other provisions are made in this behalf."

[Vide West Bengal Act 38 of 1963]

3. Superintendence in the State Government

The superintendence of the police throughout a general police-district shall vest in and shall be exercised by the State Government to which such district is subordinate; and except as authorised under the provisions of this Act, no person, officer, or Court shall be empowered by the ¹[State Government] to ²[xxx] supersede, or control any police functionary.

¹ Substituted for "Provincial Government" by AO 1950.

² Word "appoint" omitted by AO 1937.

4. Inspector-General of Police, etc.

The administration of the police throughout the general police-district shall be vested in an officer to be styled the Inspector-General of Police, and in such Deputy Inspectors-General and Assistant Inspectors-General as the ¹[State Government] shall deem fit.

The administration of the police throughout the local jurisdiction of the Magistrate of the district shall, under the general control and direction of such Magistrate, be vested in a District Superintendent and such Assistant District Superintendents as the ¹[State Government] shall consider necessary.

STATE AMENDMENTS***West Bengal***

Substitute the following section—

"4A. Special and Additional Inspectors-General of Police

(1) If, at any time the State Government considers it necessary so to do, it may appoint one or more officers to be Special Inspectors-General of Police and may also appoint one or more officers to be additional Inspectors-General of Police, and each of the officers so appointed shall be subordinate to the Inspector-General of Police.

(2) The Special or, as the case may be, Additional Inspector-General of Police shall be competent to exercise all or any of the powers conferred on, and perform all or any of the functions or duties imposed upon, the Inspector-General of Police by or under this Act or any other law for the time being in force."

[Vide West Bengal Act 5 of 1973, w.e.f. 17.3.1973]

5. Powers of Inspector-General – Exercise of Powers

The Inspector-General of Police shall have the full powers of a Magistrate throughout the general police-district; but shall exercise those powers subject to such limitation as may, from time to time, be imposed by the ¹[State Government].

STATE AMENDMENTS***Gujarat***

Section 5 shall be omitted.

[Vide Gujarat Act 11 of 1960, w.e.f. 1.5.1960]

Maharashtra

In its application to the State of Bombay, section 5 shall be omitted.

[Vide Bombay Act 21 of 1954, w.e.f. 8.4.1954]

Uttar Pradesh

In section 5, for the words "Inspector General of Police", substitute the words "Director General-cum-Inspector-General of Police".

[Vide Uttar Pradesh Act 10 of 1984]

¹ Substituted for "Provincial Government" by AO 1950.

6. Magisterial powers of police officers¹[xxx]**7. Appointment, dismissal, etc., of inferior officers**

²³[Subject to the provisions of article 311 of the Constitution, and to such rules] as the ⁴[State Government] may, from time to time, make under this Act, the Inspector-General, Deputy Inspectors-General, Assistant Inspectors-General and District Superintendents of Police may at any time dismiss, suspend or reduce any police-officer of the subordinate ranks] whom they shall think remiss or negligent in the discharge of his duty, or unfit for the same; or may award any one or more of the following punishments to any police-officer ⁵[of the subordinate ranks] who shall discharge his duty in a careless or negligent manner, or who by any act of his own shall render himself unfit for the discharge thereof, namely:—

- (a) fine of any amount not exceeding one month's pay;
- (b) confinement to quarters for a term not exceeding fifteen days, with or without punishment drill, extra guard, fatigue or other duty;
- (c) deprivation of good-conduct pay;
- (d) removal from any office of distinction or special emolument.]

STATE AMENDMENTS***Punjab, Haryana and Chandigarh***

In its application to the State of Punjab, Haryana and Chandigarh, in section 7,—

- (a) after the words 'dismiss, suspend or reduce', insert the words 'either in rank or without a time scale' and
- (b) after the existing clause (d), insert the following clause, namely:—
"(e) stoppage of increments"

[Vide East Punjab Act 30 of 1948, w.e.f. 9.11.1948;
Act 31 of 1966, w.e.f. 1.11.1966]

Uttar Pradesh

- (i) In its application to the whole of Uttar Pradesh, except the Jaunsar-Bawar Pargana of the Dehradun district and the portion of the Mirzapur district of south of Kaimur Range, in section 7, insert the following as a new clause:

"(e) withholding of increments or promotion including stoppage at an efficiency bar."

[Vide Uttar Pradesh Act 2 of 1944, w.e.f. 1.4.1944]

- (ii) In section 7, for the words "Inspector General", substitute the words "Director General-Cum-Inspector-General".

[Vide Uttar Pradesh Act 10 of 1984]

West Bengal

For section 7, substitute the following section which shall be deemed always to have been substituted:—

"7. Punishment of subordinate ranks of the police force in disciplinary cases

The appointing authority, or an officer not lower in rank than the appointing authority, shall be competent to inflict all punishments on the members of the subordinate ranks of the police force in disciplinary cases.

1 Omitted by the Code of Criminal Procedure, 1882 (Act 10 of 1882).
2 Substituted by AO 1937.
3 Substituted for "subject to such rules" by AO 1950.
4 Substituted for "Provincial Government" by AO 1950.
5 Inserted by AO 1937.

7A. Validity of appointment, dismissal and punishment of subordinate ranks of the police force in certain cases

Notwithstanding anything contained elsewhere in this Act or any rule, regulation or order made thereunder, all appointments made by the Inspector-General or any other authority subordinate to him, all orders of dismissal or removal from office passed by any such authority, not being an authority subordinate to the authority by which the respective appointments were made and all orders inflicting any other punishment passed by any other authority, before the commencement of the Police (West Bengal Amendment) Act, 1963, in respect of the subordinate ranks of the police force shall be deemed to be, and to have always been, validly passed."

[Vide West Bengal Act 38 of 1963, w.e.f. 3.2.1964]

8. Certificates to police officers

Every police-officer¹ [appointed to the police force, other than an officer mentioned in section 4] shall receive on his appointment, a certificate in the form annexed to this Act, under the seal of the Inspector-General or such other officer as the Inspector-General shall appoint, by virtue of which the person holding such certificate shall be vested with the powers, functions, and privileges of a police-officer.

Surrender of certificate—²[Such certificate shall cease to have effect whenever the person named in it ceases for any reason, to be a police-officer, and, on his ceasing to be such an officer, shall be forthwith surrendered by him to any officer empowered to receive the same.

A police-officer shall not by reason of being suspended from office, cease to be a police-officer. During the term of such suspension the powers, functions and privileges vested in him as a police officer shall be in abeyance, but he shall continue subject to the same responsibilities, discipline and penalties and to the same authorities, as if he had not been suspended.]

STATE AMENDMENTS**Orissa**

In section 8, insert the following proviso, namely:—

"PROVIDED that every police officer appointed to the police force in any merged State prior to the 31st December, 1947 or 1948 and continued in service after that date shall, till the 1st March, 1948 or 1949, be deemed to be a police officer for the purposes of this Act, but after the latter date he shall cease to be a police officer unless he is enrolled under this section."

[Vide Orissa Act 4 of 1950, w.e.f. 3.3.1950]

Pondicherry

After section 8, insert the following sections, namely:—

"8A. Unlawful assumption of police functions, personation, etc.

Any person who—

- (a) unlawfully assumes any function assigned to, or power conferred on a police officer, or
- (b) has in his possession, without any lawful excuse, any distinctive article of any dress required to be worn exclusively by a police officer, or
- (c) puts on any dress with the intention of being taken as a police officer, or
- (d) personates a police officer,

¹ Substituted for "so appointed" by AO 1937.

² Substituted by Act 8 of 1895.

shall, in addition to any other punishment to which he may be liable for any offence committed by him under such assumed character, be punishable with imprisonment for a term which may extend to six months or with fine or with both.

8B. Penalty for offences against police officers

If any person maliciously or without reasonable and probable cause prefers any false or frivolous charge against any police officer in any court of law, he shall be punishable with imprisonment for a term which may extend to three months or with fine or with both."

[Vide Pondicherry Act 6 of 1966, w.e.f. 10.3.1966]

Uttar Pradesh

- (i) In section 8, for the words "Inspector General", substitute wherever occurring, the words "Director-General-cum-Inspector-General".

[Vide Uttar Pradesh Act 10 of 1984]

- (ii) After section 8, insert the following section, namely:—

"8A. Enrolment of Civil Aviation Personnel

Every Civil aviation personnel who has, by virtue of this Act, become a member of a police force, shall receive on the commencement of the Police (Uttar Pradesh Amendment) Act, 2011, and every such personnel appointed, after such commencement, as such member, shall receive on his appointment, a certificate in the form given below under the seal of the Director General, Civil Aviation, Uttar Pradesh or such other officer as the State Government may appoint in this behalf.

FORM OF EMPLOYMENT

Certified that Shri. has been appointed as a civil aviation personnel being a member of a police force under the Police Act, 1861."

[Vide Uttar Pradesh Act 33 of 2001, w.e.f. 10.8.2001]

9. Police-officers not to resign without leave or two months' notice

No police-officer shall be at liberty to withdraw himself from the duties of his office unless expressly allowed to do so by the District Superintendent or by some other officer authorised to grant such permission or, without the leave of the District Superintendent, to resign his office unless he shall have given to his superior officer notice in writing, for a period of not less than two months, of his intention to resign.

10. Police-officers not to engage in other employment

No police-officer shall engage in any employment or office whatever other than his duties under this Act, unless expressly permitted to do so in writing by the Inspector-General.

STATE AMENDMENT

Uttar Pradesh

In section 10, for the words "Inspector-General", substitute the words "Director-General-cum-Inspector-General."

[Vide Uttar Pradesh Act 10 of 1984]

11. Police superannuation fund

¹[xxx]

12. Power of Inspector-General to make rules

The Inspector-General of Police may, from time to time, subject to the approval of the ²[State Government], frame such orders and rules as he shall deem expedient relative to the organization, classification and distribution of the police-force, the places at which the members of the force shall reside, and the particular services to be performed by them; their inspection, the description of arms, accoutrements and other necessaries to

¹ Omitted by Act 16 of 1874.

² Substituted for "Provincial Government" by AO 1950.

be furnished to them; the collecting and communicating by them of intelligence and information; and all such other orders and rules relative to the police-force as the Inspector-General shall, from time to time, deem expedient for preventing abuse or neglect of duty, and for rendering such force efficient in the discharge of its duties.

STATE AMENDMENT

Uttar Pradesh

In section 12, for the words "Inspector-General", substitute wherever occurring, the words "Director-General-cum-Inspector-General."

[Vide Uttar Pradesh Act, 1984]

13. Additional police-officer employed at cost of individuals

It shall be lawful for the Inspector-General of Police, or any Deputy Inspector-General, or Assistant Inspector-General, or for the District Superintendent, subject to the general direction of the Magistrate of the district, on the application of any person showing the necessity thereof, to depute any additional number of police officers to keep the peace at any place within the general police-district, and for such time as shall be deemed proper. Such force shall be exclusively under the orders of the District Superintendent, and shall be at the charge of the person making the application:

PROVIDED that it shall be lawful for the person on whose application such deputation shall have been made, on giving one month's notice in writing to the Inspector-General, Deputy Inspector-General, or Assistant Inspector-General, or to the District Superintendent, to require that the police-officers so deputed shall be withdrawn; and such person shall be relieved from the charge of such additional force from the expiration of such notice.

STATE AMENDMENT

Uttar Pradesh

In section 13, for the words "Inspector-General", substitute wherever occurring, the words "Director-General-cum-Inspector-General".

[Vide Uttar Pradesh Act 10 of 1984]

14. Appointment of additional force in the neighbourhood of railway and other works

Whenever any railway, canal or other public work, or any manufactory or commercial concern shall be carried on, or be in operation in any part of the country, and it shall appear to the Inspector-General that the employment of an additional police-force in such place is rendered necessary by the behaviour or reasonable apprehension of the behaviour of the persons employed upon such work, manufactory or concern, it shall be lawful for the Inspector-General, with the consent of the State Government, to depute such additional force to such place, and to employ the same so long as such necessity shall continue, and to make orders, from time to time, upon the person having the control or custody of the funds used in carrying on such work, manufactory or concern, for the payment of the extra force so rendered necessary, and such person shall, thereupon, cause payment to be made accordingly.

STATE AMENDMENT

Uttar Pradesh

In section 14, for the words "Inspector-General", substitute wherever occurring, the words "Director-General-cum-Inspector-General".

[Vide Uttar Pradesh Act, 10 of 1984]

¹**[15. Quartering of additional police in disturbed or dangerous districts**

(1) It shall be lawful for the State Government, by proclamation to be notified in the Official Gazette, and in such other manner as the State Government shall direct, to declare that any area subject to its authority has been found to be in a disturbed or dangerous state, or that, from the conduct of the inhabitants of such area or of any class or section of them, it is expedient to increase the number of police.

(2) It shall, thereupon, be lawful for the Inspector-General of Police, or other officer authorised by the State Government in this behalf, with the sanction of the State Government, to employ any police-force in addition to the ordinary fixed complement to be quartered in the area specified in such proclamation as aforesaid.

(3) Subject to the provisions of sub-section (5) of this section, the cost of such additional police force shall be borne by the inhabitants of such area described in the proclamation.

(4) The Magistrate of the district, after such enquiry as he may deem necessary, shall apportion such cost among the inhabitants who are, as aforesaid, liable to bear the same and who shall not have been exempted under the next succeeding sub-section. Such apportionment shall be made according to the Magistrate's judgment of the respective means within such area of such inhabitants.

(5) It shall be lawful for the State Government by order to exempt any persons or class or section of such inhabitants from liability to bear any portion of such cost.

(6) Every proclamation issued under sub-section (1) of this section shall state the period for which it is to remain in force, but it may be withdrawn at any time or continued from time to time for a further period or periods as the ²[State Government] may in each case think fit to direct.

Explanation : For the purposes of this section, "inhabitants" shall include persons who themselves or by their agents or servants occupy or hold land or other immoveable property within such area, and landlords who themselves or by their agents or servants collect rents direct from raiyats or occupiers in such area, notwithstanding that they do not actually reside therein.]

STATE AMENDMENT***Uttar Pradesh***

in section 15, for the words "Inspector-General", substitute the words "Director-General-cum-Inspector-General".

[Vide Uttar Pradesh Act 10 of 1984]

³**[15A. Awarding compensation to sufferers from misconduct of inhabitants or persons interested in land**

(1) If, in any area in regard to which any proclamation notified under the last preceding section is in force, death or grievous hurt or loss of, or damage to, property has been caused by or has ensued from the misconduct of the inhabitants of such area or any class or section of them it shall be lawful for any person, being an inhabitant of such area, who claims to have suffered injury from such misconduct to make, within one month from the date of the injury or such shorter period as may be prescribed, an application for compensation to the Magistrate of the district or of the sub-division of a district within which such area is situated.

1 Substituted by Act 8 of 1895.

2 Substituted for "Provincial Government" by AO 1950.

3 Inserted by Act 8 of 1895.

(2) It shall, thereupon, be lawful for the Magistrate of the district, with the sanction of the ¹[State Government] after such enquiry as he may deem necessary, and whether any additional police-force has or has not been quartered in such area under the last preceding section, to—

- (a) declare the persons to whom injury has been caused by or has ensued from such misconduct;
- (b) fix the amount of compensation to be paid to such persons and the manner in which it is to be distributed among them; and
- (c) assess the proportion in which the same shall be paid by the inhabitants of such area other than the applicant who shall not have been exempted from liability to pay under the next succeeding sub-section:

PROVIDED that the Magistrate shall not make any declaration or assessment under this sub-section, unless he is of opinion that such injury as aforesaid has arisen from a riot or unlawful assembly within such area, and that the person who suffered the injury was himself free from blame in respect of the occurrences which led to such injury.

(3) It shall be lawful for the ¹[State Government], by order, to exempt any persons or class or section of such inhabitants from liability to pay any portion of such compensation.

(4) Every declaration or assessment made or order passed by the Magistrate of the district under sub-section (2) shall be subject to revision by the Commissioner of the Division or the ¹[State Government], but save as aforesaid shall be final.

(5) No civil suit shall be maintainable in respect of any injury for which compensation has been awarded under this section.

(6) *Explanation:* In this section the word "inhabitants" shall have the same meaning as in the last preceding section.]

STATE AMENDMENTS

Andhra Pradesh

In section 15A,—

- (i) in sub-section (1), omit the words "in regard to which any proclamation notified under the last preceding section is in force" and the words "being an inhabitant of such area".
- (ii) in sub-section (2), re-letter clauses (a), (b) and (c) as clause (b), (c) and (d), respectively and insert the following clause as clause (a), namely:—
 "(a) declare the limits of the local area, the inhabitants of which have, in his opinion, been guilty of such misconduct or caused or contributed to the same;"

[Vide Andhra Pradesh Act 13 of 1948]

Orissa

For section 15A, substitute the following section, namely:—

"15A. Awarding compensation to sufferers from misconduct of inhabitants of any area

(1) If, in any area, death or grievous hurt or loss of or damage to property (including public property) has been caused by or has ensued from the misconduct of the inhabitants of such area or any class or section of them or from the failure on their part to render assistance in preventing such loss or damage, it shall be lawful for any person who claims to have suffered injury, loss or damage from such misconduct or failure to make within one month from the

¹ Substituted for "Provincial Government" by AO 1950.

date of the injury, loss or damage, as the case may be, an application for compensation to the Magistrate of the district within which such area is situated.

(2) It shall, thereupon, be lawful for the Magistrate of the district, with the sanction of the State Government, after such enquiry as he may deem necessary, and whether any additional Police Force has or has not been quartered in such area under the last preceding section, to—

- (a) declare the limits of the area the inhabitants of which have, in his opinion, been guilty of such misconduct or failure;
- (b) declare the persons to whom injury, loss or damage has been caused by or has ensued from such misconduct or failure;
- (c) fix the amount of compensation to be paid to such person and where there are more than one such person, the manner in which it is to be distributed among them; and
- (d) assess the proportion in which the same shall be paid by the inhabitants (other than the applicant) of such area who shall not have been exempted under sub-section (3) from the liability to pay:

PROVIDED that where the applicant is a private individual, the Magistrate shall not make any declaration unless he is of opinion that such injury, loss or damage as aforesaid has arisen from a riot or unlawful assembly within such area and that the applicant was himself free from blame in respect of the occurrence which led to the injury, loss or damage.

(3) It shall be lawful for the State Government, by order, to exempt any person or class or section of such inhabitants from the liability to pay any portion of such compensation.

(4) Every declaration or assessment made or order passed by the Magistrate of the district under sub-section (2) shall be subject to revision by the Revenue Divisional Commissioner or the State Government, but save as aforesaid shall be final.

(5) No civil suit shall be maintainable in respect of any injury, loss or damage for which compensation has been awarded under this section.

Explanation 1: In this section—

- (a) "inhabitants" shall have the same meaning as in section 15;
- (b) "person" shall include the Central Government, the Government of any State, any Local Authority, any Company, any Corporation and any Association of body of individuals, whether incorporated or not;
- (c) "public property" shall have reference to any property owned by or belonging to—
 - (i) the Central Government or the Government of any State;
 - (ii) any local authority;
 - (iii) any Corporation established under any law which is owned, controlled or managed partly or wholly, by the Central Government or any State Government;
 - (iv) any Company in which not less than fifty-one per cent of the share capital is held by the Central Government or any State Government or jointly by more than one such Government; and
 - (v) any autonomous body established under any law.

Explanation II: An application under sub-section (1) may be made—

- (a) in case of the Government, by such officer as the Government may authorise in that behalf; and
- (b) in the case of any local authority, company, corporation, Association or body, by the person who is in charge of the property."

[Vide Orissa Act 5 of 1976, w.e.f. 8.3.1976]

Tamil Nadu

In section 15A,—

- (i) in sub-section (1), omit the words "in regard to which any proclamation notified under the last preceding section is in force" and the words "being an inhabitant of such area";
- (ii) in sub-section (2), re-letter clauses (a), (b) and (c) as clauses (b), (c) and (d) respectively and insert the following clause as clause (a), namely:—
 "(a) declare the limits of the local area the inhabitants of which have, in his opinion been guilty of such misconduct or caused or contributed to the same."

[Vide Tamil Nadu Act 13 of 1948, w.e.f. 4.5.1948]

Uttar Pradesh

In its application to the whole of Uttar Pradesh except the Jaunsar-Bawar Pargana of the Dehradun district and the portion of the Mirzapur district south of Kaimur Range in section 15A,—

- (a) in sub-section (1), for the words "one month", substitute the words "three months";
- (b) to sub-section (1) of section 15A, insert the following proviso, namely:—
 "PROVIDED that the period of limitation for such application for compensation in respect of death or grievous hurt or loss of, or damage to property caused before the first day of April, 1939, shall be four months"

[Vide Uttar Pradesh Act 2 of 1939, w.e.f. 1.1.1939]

¹**16. Recovery of moneys payable under sections 13, 14, 15 and 15A, and disposal of same when recovered**

(1) All moneys payable under sections 13, 14, 15 and 15A shall be recoverable by the Magistrate of the district in the manner provided by sections 386 and 387 of the Code of Criminal Procedure, 1882 (10 of 1882)², for the recovery of fines, or by suit in any competent Court.

³[xxx]

(3) All moneys paid or recovered under section 15A shall be paid by the Magistrate of the district to the persons to whom and in the proportions in which the same are payable under that section.]

17. Special police-officer

When it shall appear that any unlawful assembly, or riot or disturbance of the peace has taken place, or may be reasonably apprehended, and that the police-force ordinarily employed for preserving the peace is not sufficient for its preservation and for the protection of the inhabitants and the security of property in the place where such unlawful assembly or riot or disturbance of the peace has occurred, or is apprehended, it shall be lawful for any police-officer, not below the rank of Inspector, to apply to the nearest Magistrate to appoint so many of the residents of the neighbourhood as such police-officer may require to act as special police-officer for such time and within such limits as he shall deem necessary; and the Magistrate to whom such application is made shall, unless he sees cause to the contrary, comply with the application.

18. Powers of special police-officers

Every special police-officer so appointed shall have the same powers, privileges and protection, and shall be liable to perform the same duties and shall be amenable to the same penalties, and be subordinate to the same authorities, as the ordinary officers of police.

¹ Substituted by Act 8 of 1895.

² Refer sections 421 and 422 of the Code of Criminal Procedure, 1973 (2 of 1974).

³ Sub-section (2) omitted by AO 1937.

19. Refusal to serve as special police-officer

If any person being appointed as special police officer as aforesaid, shall without sufficient excuse, neglect or refuse 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 fifty rupees for every such neglect, refusal or disobedience.

20. Authority to be exercised by police-officers

Police-officers enrolled under this Act shall not exercise any authority, except the authority provided for a police-officer under this Act and any Act which shall hereafter be passed for regulating criminal procedure.

21. Village police-officers

Nothing in this Act shall affect any hereditary or other village police-officer, unless such officer shall be enrolled as a police-officer under this Act. When so enrolled, such officer shall be bound by the provisions of the last preceding section. No hereditary or other village police-officer shall be enrolled without his consent and the consent of those who have the right of nomination.

Police-chaukidars in the Presidency of Fort William—If any police-officer appointed under Act XX of 1856¹ (to make better provision for the appointment and maintenance of Police-chaukidars in Cities, Towns, Stations, Suburbs and Bazars in the Presidency of Fort William in Bengal) is employed out of the district for which he shall have been appointed under that Act, he shall not be paid out of the rates levied under the said Act for that district.

22. Police-officers always on duty and may be employed in, any part of district

Every police-officer shall, for all purposes in this Act contained, be considered to be always on duty, and may at any time be employed as a police-officer in any part of the general police-district.

23. Duties of police-officers

It shall be the duty of every police-officer promptly to obey and execute all orders and warrants lawfully issued to him by any competent authority; to collect and communicate intelligence affecting the public peace; to prevent the commission of offences and public nuisances; to detect and bring offenders to justice and to apprehend all persons whom he is legally authorized to apprehend, and for whose apprehension sufficient ground exists; and it shall be lawful for every police-officer, for any of the purposes mentioned in this section, without a warrant, to enter and inspect any drinking-shop, gaming-house or other place of resort of loose and disorderly characters.

STATE AMENDMENT**Orissa**

After section 23, insert the following section, namely:—

"23A. Powers in relation to cognizable offences in a running train

Without prejudice to the provision contained in the Code of Criminal Procedure, 1973, a sub-inspector of police, posted to the mobile out-post of the Government Railway Police, shall, while performing duty in a running train, exercise the powers of the officer-in-charge of the local Government Railway Police Station for the purposes of investigation into cognizable offences committed in a running train and when so exercising such powers, shall be deemed to be the officer-in-charge of such police station discharging the functions of such officer within the limits of that police station."

[Vide Orissa Act 21 of 1986, w.e.f. 11.1986]

1 The Bengal Chaukidari Act, 1856.

24. Police-officers may lay information, etc.

It shall be lawful for any police-officer to lay any information before a Magistrate, and to apply for a summons, warrant, search warrant or such other legal process as may by law issue against any person committing an offence ¹[xxx].

25. Police-officers to take charge of unclaimed property, and be subject to Magistrate's orders as to disposal

It shall be the duty of every police-officer to take charge of all unclaimed property, and to furnish an inventory thereof to the Magistrate of the district.

The police-officers shall be guided as to the disposal of such property by such orders as they shall receive from the Magistrate of the district.

26. Magistrate may detain property and issue proclamation

(1) The Magistrate of the district may detain the property and issue a proclamation, specifying the articles of which it consists, and requiring any person who has any claim thereto to appear and establish his right to the same within six months from the date of such proclamation.

²[(2) The provisions of section 525 of the Code of Criminal Procedure, 1882 (10 of 1882)³, shall be applicable to property referred to in this section.]

⁴27. Confiscation of property if no claimant appears

(1) If no person shall within the period allowed, claim such property, or the proceeds thereof, if sold, it may, if not already sold under sub-section (2) of the last preceding section, be sold under the orders of the Magistrate of the district.

(2) The sale-proceeds of property sold under the preceding sub-section and the proceeds of property sold under section 26 to which no claim has been established shall be ⁵[at the disposal of the State Government].

28. Persons refusing to deliver up certificate, etc., on ceasing to be police-officers

Every person, having ceased to be an enrolled police-officer under this Act, who shall not forthwith deliver up his certificate, and the clothing accoutrements, appointments and other necessaries which shall have been supplied to him for the execution of his duty, shall be liable, on conviction before a Magistrate, to a penalty not exceeding two hundred rupees, or to imprisonment, with or without hard labour, for a period not exceeding six months, or to both.

29. Penalties for neglect of duty, etc.

Every police-officer who shall be guilty of any violation of duty or wilful breach or neglect of any rule or regulation or lawful order made by competent authority, or who shall withdraw from the duties of his office without permission, or without having given previous notice for the period of two months, ²[or who, being absent on leave shall fail, without reasonable cause to report himself for duty on the expiration of such leave,] or who shall engage without authority in any employment other than his police-duty, or who shall be guilty of cowardice, or who shall offer any unwarrantable personal violence to any person in his custody, shall be liable, on conviction before a Magistrate, to a penalty not exceeding three months' pay, or to imprisonment with or without hard labour, for a period not exceeding three months, or to both.

1 Words "and to prosecute such person up to final judgement" omitted by Act 10 of 1882.

2 Inserted by Act 8 of 1895.

3 Refer section 459 of the Code of Criminal Procedure, 1973 (2 of 1974).

4 Substituted by Act 8 of 1895.

5 Substituted for "at the disposal of Government" by AO 1937.

STATE AMENDMENTS

Punjab, Haryana and Chandigarh

In section 29, omit the words "before a Magistrate." -Vide Punjab Act 25 of 1964, w.e.f. 2.10.1964; Central Act 31 of 1966, w.e.f. 1.11.1966.

Pondicherry

After section 29, insert the following sections, namely:—

"29A. Prohibition of smoking in places of entertainments

(1) If any entertainment (including cinematograph exhibition, dance or drama) to which members of the public are admitted, whether on payment or not, is held in an enclosed place or building, then, no person shall during the prohibited period, as defined in sub-section (2), smoke either—

- (a) on the stage except insofar as smoking may be any part of the entertainment, or
- (b) in the auditorium, that is to say, in that portion of the enclosed place or building in which the accommodation is provided for members of the public:

PROVIDED that the State Government may, by notification in the Official-Gazette, exempt any class of entertainments from the provisions of this sub-section.

(2) For the purposes of sub-section (1), "prohibited period" means so much of the period commencing thirty minutes before the beginning of the entertainment and ending with the termination thereof, as may fall within the hours which the State Government may, by notification in the Official-Gazette, specify in this behalf for entertainment generally or any class of entertainments.

(3) Any person who contravenes the provisions of this section shall be liable to be ejected summarily from the enclosed place or building by any police-officer and shall also be punishable with fine which may extend to fifty rupees.

(4) A person ejected under sub-section (3) shall not be entitled to the refund of any payment made by him for admission to the entertainment or to any other compensation.

29B. Powers of Police on occurrence of fire

(1) On the occurrence of a fire, any police-officer above the rank of a constable, or any member of the Fire Services above the rank of a fireman, may—

- (a) remove or order the removal of any person who by their presence, interfere with or impede the operations for extinguishing the fire or for saving life or property;
- (b) close any street or passage in or near which any fire is burning;
- (c) by himself or those acting under his orders, break into or through, or pull down, or use for the passage of hoses, or other appliances, any premises for the purpose of extinguishing the fire, doing as little damage as possible;
- (d) cause the mains and pipes in any area to be shut off so as to give greater pressure of water in the place where the fire has occurred;
- (e) call on the persons in charge of any fire-engine to render such assistance as may be possible; and
- (f) generally, take such measures as may appear necessary for the preservation of life and property.

(2) Any damage done on the occurrence of fires by members of Fire Services or any fire-brigade or by police-officers or their assistants in due execution of their duties shall be deemed to be damage by fire within the meaning of any police of insurance against fire.

Explanation : Nothing in this section shall exempt any police-officer or any member of Fire-Services or fire-brigade from liability to damages on account of any acts done by him without reasonable causes.

29C. Penalty for false alarm of fire

Whoever gives or causes to be given to any fire-brigade or to any member thereof or to any member of the Fire Services, whether by means of street fire alarm, statement, message or otherwise, any alarm of fire which he knows to be false, shall be punishable for the first

offence with fine which may extend to fifty rupees and for a second or subsequent offence with imprisonment which may extend to six months and with fine."

[Vide Pondicherry Act 6 of 1966, w.e.f. 10.3.1966]

¹**[30. Regulation of public assemblies and processions and licensing of the same**

(1) The District Superintendent or Assistant District Superintendent of Police may, as occasion requires, direct the conduct of all assemblies and processions on the public roads, or in the public streets or thoroughfares, and prescribe the routes by which, and the times at which, such processions may pass.

(2) He may also, on being satisfied that it is intended by any persons or class of persons to convene or collect an assembly in any such road, street or thoroughfare, or to form a procession which would, in the judgment of the Magistrate of the district, or of the sub-division of a district, if uncontrolled, be likely to cause a breach of the peace, require by general or special notice that the persons convening or collecting such assembly or directing or promoting such procession shall apply for a licence.

(3) On such application being made, he may issue a license specifying the names of the licensees and defining, the conditions on which alone such assembly or such procession is to be permitted to take place and otherwise giving effect to this section:

PROVIDED that no fee shall be charged on the application for, or grant of, any such licence.

(4) *Music in the streets*—He may also regulate the extent to which music may be used in the streets on the occasion of festivals and ceremonies.]

STATE AMENDMENTS

Tamil Nadu

In section 30,—

- (i) in sub-section (1), for the words "on the public roads, or in the public streets or thoroughfares", substitute the words "in public places."
- (ii) in sub-section (2), for the words "in any such road, street or thoroughfare", substitute the words "in any such public place."
- (iii) In sub-section (4), for the words "in the streets", substitute the words "in public places".

[Vide Tamil Nadu Act 22 of 1955, w.e.f. 21.9.1955
and Tamil Nadu Act 14 of 1962, w.e.f. 9.1.1963]

Uttar Pradesh

In section 30, in sub-section (1), for the words "Assistant Superintendent", substitute the words "Additional District Superintendent or Joint District Superintendent or Assistant District Superintendent".

[Vide Uttar Pradesh Act 10 1984]

²**[30A. Powers with regard to assemblies and processions violating conditions of licence**

(1) Any Magistrate or District Superintendent of Police or Assistant District Superintendent of Police or Inspector of Police or any police-officer in charge of a station may stop any procession which violates the conditions of a licence granted under the last foregoing section, and may order it or any assembly which violates any such conditions as aforesaid to disperse.

(2) Any procession or assembly which neglects or refuses to obey any order given under the last preceding sub-section shall be deemed to be an unlawful assembly.]

¹ Substituted by Act 8 of 1895.

² Inserted by Act 8 of 1895.

STATE AMENDMENT**Uttar Pradesh**

In section 30A, in sub-section (1), for the words "Assistant District Superintendent", substitute the words "Additional District Superintendent or Joint District Superintendent or Assistant District Superintendent".

[Vide Uttar Pradesh Act 10 of 1984]

31. Police to keep order in public roads, etc.

It shall be the duty of the police to keep order on the public roads, and in the public streets, thoroughfares, ghats and landing-places, and at all other places of public resort, and to prevent obstructions on the occasions of assemblies and processions on the public roads and in the public streets, or in the neighbourhood of places of worship, during the time of public worship, and in any case when any road, street, thoroughfare, ghat or landing-place may be thronged or may be liable to be obstructed.

STATE AMENDMENT**Tamil Nadu**

In section 31, for the words "on the publications in the public streets, thoroughfares, ghats and landing-places, and at all other places of public resort", substitute the words "in public places"; for the words "on the public roads and in public streets," substitute the words "in public places", and for the words "road, street thoroughfare, ghat or landing-place", substitute the words "public place".

[Vide Tamil Nadu Act 22 of 1955, w.e.f. 21.9.1955]

32. Penalty for disobeying orders issued under last three sections, etc.

Every person opposing or not obeying the orders issued under the last ¹[three] preceding sections, or violating the conditions of any license granted by the District Superintendent or Assistant District Superintendent of Police for the use of music, or for the conduct of assemblies and processions, shall be liable, on conviction before a Magistrate, to a fine not exceeding two hundred rupees.

STATE AMENDMENTS**Punjab, Haryana and Chandigarh**

In section 32, omit the words "before a Magistrate".

[Vide Punjab Act 25 of 1964, w.e.f. 2.10.1964;
Central Act 32 of 1966, w.e.f. 1.11.1966]

Uttar Pradesh

In section 32,—

- (i) for the words "Assistant District Superintendent", substitute the words "Additional District Superintendent or Joint District Superintendent or Assistant District Superintendent".

[Vide Uttar Pradesh Act 10 of 1984]

- (ii) after section 32, insert the following sections, namely:—

"32A. Power to prohibit mass drill or mass training, etc.

(1) The Magistrate of the district may, whenever he considers it necessary so to do for preservation of the public peace or public safety or for the maintenance of public order, by public notice or by order direct to individuals in any place prohibit, in any area within his jurisdiction, the carrying of arms or the holding of or taking part in any mass drill or mass training with arms where it arouses reasonable

¹ Substituted for "two" by Act 8 of 1895.

apprehension that the participants in such drill or training are likely to cause fear or alarm or a feeling of insecurity among the public or any section thereof.

Explanation: For the purpose of this section "arms" means any type of offensive weapon and includes lathi, danda, stick and belcha.

(2) No prohibition under this section shall remain in force for more than three months:

PROVIDED that if the State Government considers it necessary so to do for the preservation of public peace or public safety or for the maintenance of public order, it may, by notification, direct that a public notice or order issued by Magistrate of the district under sub-section (1) shall remain in force for such further period, not exceeding six months from the date on which such notice or order would have, but for such direction, expired as it may specify in the said notification.

(3) The Magistrate of the district may, either on his own motion or on the application of any person aggrieved, rescind or alter any order made by him under sub-section (1).

(4) The State Government may, either on its own motion or on the application of any person aggrieved, rescind or alter any order made by it under the proviso to sub-section (2) or by the Magistrate of the District under sub-section (1).

(5) Where an application under sub-section (3) or sub-section (4) is received, the Magistrate of the District or the State Government, as the case may be, shall afford to the applicant an opportunity of appearing before him or it either in person or by Pleader and showing cause against the order: and if the Magistrate of the District or the State Government, as the case may be, rejects the application wholly or in part, he or, it shall record in writing the reasons for so doing.

32B. Penalty for contravention of prohibition under section 32A

(1) Whoever contravenes any prohibition made under section 32A, shall be liable, on conviction before a Magistrate, to imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees or with both.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, an offence punishable under this section shall be cognizable."

[Vide Uttar Pradesh Act 5 of 1985, w.e.f. 1.8.1985]

33. Saving of control of Magistrate of district

Nothing in the last ¹[four] preceding sections shall be deemed to interfere with the general control of the Magistrate of the district over the matters referred to therein.

34. Punishment for certain offences on roads, etc.

Any person who, on any road or in any ²[open place or] street or thoroughfare within the limits of any town to which this section shall be specially extended by the ³[State Government], commits any of the following offences, to the obstruction, inconvenience, annoyance, risk, danger or damage of the ⁴[residents or passengers] shall, on conviction before a Magistrate, be liable to a fine not exceeding fifty rupees, or to imprisonment ⁵[with or without hard labour] not exceeding eight days; and it shall be lawful for any police-officer to take into custody, without a warrant, any person who within his view commits any of such offences, namely:—

1 Substituted for "three" by Act 8 of 1895.

2 Inserted by Act 8 of 1895.

3 Substituted for "Provincial Government" by AO 1950.

4 Substituted for "residents and passengers" by Act 8 of 1895.

5 Inserted by Act 1 of 1903.

First—Slaughtering cattle, furious riding, etc.—Any person who slaughters any cattle or cleans any carcass; any person who rides or drives any cattle recklessly or furiously, or trains or breaks any horse or other cattle;

Second—Cruelty to animal—Any person who wantonly or cruelly beats, abuses or tortures any animal:

Third—Obstructing passengers.—Any person who keeps any cattle or conveyance of any kind standing longer than is required for loading or unloading or for taking up or setting down passengers, or who leaves any conveyance in such a manner as to cause inconvenience or danger to the public;

Fourth—Exposing goods for sale.—Any person who exposes any goods for sale;

Fifth—Throwing dirt into street.—Any person who throws or lays down any dirt, filth, rubbish or any stones or building materials, or who constructs any cowshed, stable or the like, or who causes any offensive matter to run from any house, factory, dung-heap, or the like;

Sixth—Being found drunk or riotous.—Any person who is found drunk or riotous or who is incapable of taking care of himself;

Seventh—Indecent exposure of person.—Any person who wilfully and indecently exposes his person, or any offensive deformity or disease, or commits nuisance by easing himself, or by bathing or washing in any tank or reservoir not being a place set apart for that purpose;

Eighth—Neglect to protect dangerous places.—Any person who neglects to fence in or duly to protect any well, tank or other dangerous place or structure.

STATE AMENDMENTS

Bihar

In section 34, for the word "town", substitute the words "local area".

[Vide Bihar Act 34 of 1954, w.e.f. 24.11.1954]

Manipur

1. In section 34, for the words "not exceeding fifty rupees or to imprisonment with or without hard labour not exceeding eight days", substitute the words "not exceeding five hundred rupees, or to imprisonment with or without hard labour not exceeding three months for an offence under clause sixth and to a fine not exceeding fifty rupees, or to imprisonment with or without hard labour not exceeding eight days for the rest of the offence.

[The Police (Manipur Second Amendment) Act, 1976]

2. The proviso inserted by the Police (Manipur Second Amendment) Act, 1976 after clause eighth shall be omitted.

[Vide Manipur Act 12 of 1977 w.e.f. 15.12.1977]

After section 34, insert the following section, namely:—

"34A. Penalty for annoying females

Whoever with a view to annoying any female, wilfully and indecently exposes his person or any portion thereof, makes any gesture, utters any word or makes any other sound, in any office, street, public place or vehicle, in such manner as to be seen or heard by such female, whether or not from within any house or building shall be punishable with fine which may extend to fifty rupees.

[Vide Manipur Act 1 of 1969, w.e.f. 24.2.1969]

3. After section 34A, insert the following section, namely:—

"34B. Power to arrest

It shall be lawful for any police officer to take into custody, without a warrant, any person who within his view commits the offence punishable under section 34A.

[Vide Manipur Act 1 of 1969, w.e.f. 24.2.1969]

4. After section 34B, insert the following section, namely:—

"34C. Prohibition of sale at a higher price of tickets once issued for admission to an entertainment

(1) For the purpose of preventing disorder or disturbance at or near any place where entertainment is held, the District Magistrate concerned may with the previous sanction of the State Government by order (of which public notice shall be given), prohibit within a radius of one furlong from the place of entertainment the sale or the offer for sale of ticket once issued for admission as spectators to such entertainment at a price higher than the price at which such tickets were originally issued.

(2) Whoever contravenes any order referred to in sub-section (1) shall be liable to imprisonment for a term which may extend to three months or to a fine which may extend to one hundred rupees or to both.

(3) Any police officer not below the rank of Sub-Inspector may arrest without warrant any person committing an offence punishable under this section.

Explanation : In this section, the expression "the entertainment" means any exhibition, performance, amusement, game or sport to which persons are admitted as spectators on production of tickets.

[Vide the Police (Manipur Second Amendment) Act, 1976]

Orissa

After section 34, insert the following section, namely:—

"34A. Punishment for unauthorised sale of tickets for admission to a place of entertainment

(1) Any person who sells or attempts to sell tickets for admission to place of entertainment, except under the orders of, and at the place provided and price fixed in this behalf by, the proprietor of the entertainment shall be punishable with imprisonment which may extend to six months or with fine which may extend to one thousand rupees or with both.

(2) If any person is convicted for any second or subsequent offence under sub-section (1) he shall be punishable with imprisonment for a term which shall not be less than twenty-one days but which may extend to one year and shall also be punishable with fine which may extend to one thousand rupees.

(3) Any Police Officer not below the rank of Sub-Inspector may take into custody without warrant, any person who, within his view commits any offence punishable under sub-section (1) or seize any ticket in respect of which he is satisfied that any such offence has been committed.

(4) A court trying an offence under sub-section (1) or under sub-section (2) may without prejudice to any other or further order or orders, that may, in its opinion, be passed in the case, direct the forfeiture of any ticket which may have been seized under sub-section (3).

Explanation : In this section,—

- (a) "entertainment" means any exhibition, performance, amusement, game or sports to which persons are admitted on production of tickets; and
- (b) the expression "proprietor" in relation to any entertainment includes any person responsible for the management of such entertainment."

[Vide Orissa Act 34 of 1976, w.e.f. 23.8.1976]

Pondicherry

After section 34, insert the following sections 34A to 34F, namely:—

"34A. Penalty for being found armed between sunset and sunrise intending to commit an offence

Whoever is found between sunset and sunrise—

- (i) armed with any dangerous instrument with intent to commit an offence; or
 - (ii) having his face covered or otherwise disguised with intent to commit an offence;
- or

- (iii) lying or loitering or squatting in any bazar, yard or public place and without being able to give a satisfactory account on himself; or
 - (iv) in any dwelling house, or other building, or on board any vessel or boat, without being able to account satisfactorily for his presence there; or
 - (v) having in his possession, without lawful excuse any instrument of house breaking,
- shall be punishable with imprisonment for a term which may extend to three months.

34B. Penalty for certain offences in public place

Whoever, in any public place,—

- (i) drives, drags or pushes any vehicle at any time between half an hour after sunset and half an hour before sunrise without sufficient light;
- (ii) without reasonable cause, drives, drags or pushes any vehicle otherwise than in accordance with the rules of the road notified from time to time by the State Government, or fails to obey the directions of a police-officer for the time being in charge or regulation of traffic;
- (iii) leads or rides any animal or drives, drags or pushes any vehicles upon any foot-way, or fastens any animal so that it can stand across or upon any foot-way;
- (iv) permits any cattle or vehicle to be under the control of a child under the age of twelve years;
- (v) conveys through the streets any article which projects more than five-feet in front or behind the vehicle or vehicles on which it is placed;
- (vi) beats a drum or tom-tom, or blows a horn or trumpet or beats or sound any brass or other instrument or utensils or plays any music or use any sound amplifier except at such time and place and subject to such conditions as may be specified in a licence issued in this behalf by the Inspector-General or Police or by any authority authorised in this behalf by him;
- (vii) without the consent of the owner or occupier, in any manner affixes or causes to be affixed any bill notice, document, paper or other thing upon any place or any building, monument, statue, effigy, post, wall fence, tree or other erection therein or in any manner disfigures, writes upon or otherwise marks, or causes to be defaced, disfigures, written upon, or otherwise marked any such public place or any such building, monument, statues, effigy, wall fence, post, tree or erection;
- (viii) begs or applies for alms, or exposes or exhibits any sore, wound bodily ailment or deformity with the object of exciting charity or extorting alms;
- (ix) uses any indecent, threatening, abusive or insulting words or behaves in a threatening or insulting manner or posts up or affixes or exhibits any indecent, threatening, abusive or insulting paper or drawing with intent to provoke a breach of peace or whereby a breach of peace may be occasioned,

shall be punishable with fine which may extend to fifty rupees or with imprisonment for a term which may extend to one month.

[Vide Pondicherry Act 5 of 1966, w.e.f. 10.3.1966]

After section 34B, insert the following section, namely:—

"34BB. Penalty for annoying females in public place or office

Whoever, with a view to annoying any female, wilfully and indecently, exposes his person or any portion thereof, makes any gesture, utters any word, or makes any sound, intending that such person or portion thereof or gesture shall be seen or that such word or sound shall be heard by such female in any public place or office, whether such exposure, gesture, word or sound is made or uttered from within any house or building or not, shall be punishable with imprisonment for a term which may extend to one month or with fine which may extend to fifty rupees or with both."

[Vide Pondicherry Act 7 of 1968, w.e.f. 11.5.1968]