

The Police Act, 1861

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Act 5 of 1861

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The Police Act, 1861(5 of 1861)

147.

An Act for the Regulation of Police .Preamble .Whereas it is expedient to reorganise the police and to make it a more efficient instrument for the prevention and detection of crime; It is enacted as follows:-

Short title given by the Indian Short Titles Act, 1897 (14 of 1897).This Act has been applied-the Sonthal Parganas by the Sonthal Parganas Settlement Regulation, 1872 (3 of 1872),Section 3; the Town of Calcutta and its suburbs, with modifications by the Calcutta Police Act, 1898 (Ben. 1 of 1898);The Khondmals District by the Khondmals Laws Regulation, 1936 (4 of 1936), Section 3 and Sch.;The Angul District by the Angul Laws Regulation, 1936 (5 of 1936), Section 3 and Sch.; andThe areas transferred to Orissa from the Madras Presidency, by the Orissa Laws Regulation, 1936 (1 of 1936).It has been declared, by notification under Section 3(a) of the Scheduled Districts Act, 1874 (14 of 1874), to be in force in the following Scheduled Districts, namely:- The District of Hazaribagh, Lohardaga (now the Ranchi District see Calcuttal Gazette, 1899, Pt. 1, p.44 and Manbhum and Pargana Dhalbhum and the Kolhan in the District of Singhbhum, see Gazette of India, 1881, Pt.1, p.504 and the Porhat Estate in the Singhbhum District, see Gazette of India, 1897, Pt.I, p.1059.It has been extended, by notification under Section 5 of the same Act, to the Kumaon and Garhwal Districts (now in U.P.), see Gazette of India, 1891, Pt.I, p.185, and (with the exception of Section 5) to the Scheduled District of Coorg, see Gazette of India, 1914, Pt.II, p.2347.Sections 15, 15-A, 16, 30, 30-A, 31 and 32 have been extended to the Scheduled Districts in Ganjam and Vizagapatam, see Fort St.George Gazette, 1898, Pt.I,p.667, and Gazette of India, 1898, Pt.I, p.873.The whole Act has been extended to the Amindivi Islands attached to the South Kanara District; see Fort St.George Gazette, 1935, Pt.I, p.1202.It has been extended to the merged States and the States of Bhopal, Bilaspur, Himachal Pradesh and Kutch by the Mergerd States (Laws) Act

1949 (59 of 1949) and to the States of Manipur, Tripura and Vindhya Pradesh by the Part C States (Laws) Act, 1950 (30 of 1950). It has been extended to—(1) and brought into force in Dadra and Nagar Haveli by Regulation 6 of 1963, Section 2 and Sch.I; (2) Laccadive Minicoy and Amindivi Islands by Regulation 8 of 1965, Section 3 and Sch. These islands are now known as Lakshadweep; (3) the whole of Madhya Pradesh by M.P. Act 23 of 1958 (when notified); and (4) Goa, Daman and Diu by Regulation 12 of 1962, Section 3 and Sch. Goa is now a State, see Act 18 of 1987, Section 3 (w.e.f. 30.5.1987). As to special enactments in force in Madras, Bombay and Lower Provinces of Bengal, and extension of this Act under the power conferred by Section 46, see notes to that section. As to special enactments for Military, Frontier or Rural Police in force in certain parts of the States, see footnote to Section 8. As to the creation of special police-districts embracing parts of two or more Provinces and the extension to every part thereof the powers and jurisdiction of members of a police force belonging to any part of the States, see the Police Act, 1888 (3 of 1888). The Act has been amended in its application to—C.P. and Berar by C.P. and Berar Act 3 of 1937; Madras by Madras Act 13 of 1948; U.P. by U.P. Acts 2 of 1939, 2 of 1944 and 32 of 1952; Punjab by East Punjab Act 30 of 1948; Pondicherry by Pondicherry Act 7 of 1968; West Bengal by West Bengal Act 5 of 1973; Orissa by Orissa Acts 5 of 1976 and 34 of 1974; Sikkim by Sikkim Act 7 of 1980. Repealed in its application to Bellary District by Mysore Act 14 of 1955.

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 powers 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] [Under Section 2 of the Police Act, 1888 (3 of 1888), the Central Government may, notwithstanding this provision, create a special police district, consisting of parts of two or more States. As to Delhi State, see Gazette of India, 1912, Pt.I, p.1105.] Presidency, State, or place or any part of any Presidency, State or place, in which this Act shall be ordered to take effect; [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 State Government to perform all or any of the duties of a District Superintendent of Police under this Act in any district;] [Inserted by Act 8 of 1895, Section 1.] the word property shall include any movable property, money or valuable security; [— — —] [The definitions relating to [number] and [gender] repealed by Act 10 of 1914, Section 3 and Sch.II.] 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.] [Clause definition of [cattle] in Section 3 of the Cattle-trespass Act, 1871 (1 of 1871).] [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.] [Inserted by A.O. 1937.]

[Pondicherry]. In its application to the Union territory of Pondicherry, Section 1 renumbered as sub-S. (1) thereof and sub-S. (2) shall be added, 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 Administrator of the Union Territory of Pondicherry appointed by the President under article 239 of the Constitution.Pondicherry Act 6 of 1966, Section 2 (w.e.f. 10-3-1966).[Tamil Nadu].In its application to the State of Tamil Nadu, in Section 1, after the definition of the word cattle, insert 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 or have a right to resort, or over which they have a right to pass.Tamil Nadu Acts 22 of 1955, Section 2 (w.e.f. 21-9-1955) and 14 of 1962, Section 2 and Sch. II (w.e.f. 9-1-1963).[Uttar Pradesh].In its application to the State of Uttar Pradesh, in Section 1,(i) for the existing fifth clause defining the words District Superintendent, substitute 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.Uttar Pradesh Act 10 of 1984, Section 2.(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.Uttar Pradesh Act.

2. [Constitution of the force .The entire police-establishment under a State Government shall, for the purposes of this Act, be deemed to be one police [force] [Section 2, so far as it is related to the provinces under the administration of the Lieutenant-Governor of Bengal, repealed by the Bengal Police, Act, 1869 (Ben. Act 7 of 1869).], and shall be formally enrolled and shall consist of such number of officers and men, and shall be constituted in such manner, [- - -] [[The words "and the members of such force shall

receive such pay" omitted by A.O.1937.]] as shall, from time to time, be ordered by the State Government [- - -] [Certain words omitted by A.O.1937.].[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 State Government.] [Inserted by A.O.1937.]

[Uttar Pradesh].In its application to the State of Uttar Pradesh, after Section 2, insert the following section, namely:2-A. 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 8-A 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 conditions 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. Uttar Pradesh Act 33 of 2001, Section 3 (w.e.f. 10-8-2001). [West Bengal]. In its application to the State of West Bengal, after Section 2, insert the following section, namely: 2-A. 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, in so far 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. West Bengal Act 38 of 1963, Section 3 (w.e.f. 3-2-1964).

3. Superintendence in the State Government

.The superintendence of the police throughout a general police-district shall vest in and [- - -] [Certain words omitted by A.O.1937.] 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 State Government to [---] [[The word "appoint" omitted by A.O.1937.]] supersede, or control any police functionary.

4. Inspector-General of Police, etc

. [The administration of the police throughout a 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 to the State Government shall deem fit.] [[In the town and suburbs of Calcutta, the administration of the police vests in the [Commissioner of Police], see Section 3 of the Calcutta Police Act, 1866 (Ben.4 of 1866).]] 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 State Government shall consider necessary.[- - -] [Certain words omitted by A.O.1937.]

[Uttar Pradesh].In its application to the State of Uttar Pradesh, in Section 4,(i) for the words Inspector-General of Police and in such, substitute Director General-cum-Inspector General of Police and in such Inspectors-General;(ii) for the words Assistant District Superintendents, substitute Assistant District Superintendents, Joint District Superintendents and Assistant District Superintendents.Uttar Pradesh Act 10 of 1984, Section 3.[West Bengal].In its application to the State of West Bengal, after Section 4, insert the following section, namely:4-A. 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 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.West Bengal Act 5 of 1973, Section 3 (w.e.f. 17-3-1973).

5. Powers of Inspector-GeneralExercise 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 State Government.

[Gujarat].Same as that of Maharashtra.Gujarat Act 11 of 1960, Section 87 (w.e.f. 1-5-1960).[Maharashtra].Section 5 shall be deleted.Bombay Act 21 of 1954, Section 3 and Sch. II (w.e.f. 8-4-1954).[Uttar Pradesh].In its application to the State of Uttar Pradesh, in Section 5, for the words Inspector-General of Police, substitute Director General-Cum-Inspector-General of Police.Uttar Pradesh Act 10 of 1984, Section 4.

6. Magisterial powers of police officers

.[Repealed by the Code of Criminal Procedure, 1882 (10 of 1882), section 2 and Schedule I.

7. Appointment, dismissal, etc., of inferior officers

.[[Subject to the provisions of article 311 of the Constitution, and to such rules] [Substituted by A.O.1937, for certain words.] as the 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 [of the subordinate ranks] [Substituted by Act 8 of 1895, Section 2, for certain words.] 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 to 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.]

[Punjab, Haryana and Chandigarh].In its application to the States of Punjab and Haryana and Union territory of Chandigarh, in Section 7,(a) after the words dismiss suspend or reduce, insert either in rank or within a time scale; and(b) after the Cl. (d), add the following clause, namely:(e) stoppage of increments.East Punjab Act 30 of 1948, Section 2 and Central Act 31 of 1966, Section 88.[Uttar Pradesh].In its application to the whole of U.P., except the Jaunsar-Bawar Pargana of the Dehradun district and the portion of the Mirzapur district of south of Kaimur Range, in Section 7, add the following clause, namely:(e) withholding of increments or promotion including stoppage at an efficiency bar.Uttar Pradesh Act 2 of 1944, Section 4 (w.e.f. 1-4-1944).(ii) In its application to the State of Uttar Pradesh, in Section 7, for the words Inspector-General, substitute Director-General-cum-Inspector-General, Inspector-General.Uttar Pradesh Act 10 of 1984, Section 5.[West Bengal].In its application to the State of West Bengal, for Section 7, substitute the following sections, namely: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.7-A. 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.West Bengal Act 38 of 1963, Section 4 (w.e.f. 3-2-1964).

8. Certificates to police officers

.Every police officer 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 .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.

[Orissa].In its application to the State of Orissa, in Section 8, add 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. Orissa Act 4 of 1950, Sch. (w.e.f. 3-3-1950). [Pondicherry]. In its application to the Union territory of Pondicherry, after Section 8, insert the following sections, namely: 8-A. 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 or 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, 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. 8-B. 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. Pondicherry Act 6 of 1966, Section 3 (w.e.f. 10-3-1966). [Uttar Pradesh]. In its application to the State of Uttar Pradesh, (i) in Section 8, for the words, Inspector-General, substitute wherever occurring, Director-General-cum-Inspector-General. Uttar Pradesh Act 10 of 1984, Section 6. (ii) after Section 8, insert the following section, namely: 8-A. 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, 2001, 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 Enrolment Certified that Sri..... has been appointed as a civil aviation personnel being a member of a police force under the Police Act, 1861. Uttar Pradesh Act 33 of 2001, Section 4 (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 an employment or office whatever other than his duties under this Act, unless expressly permitted to do so in writing by the Inspector-General.

[Uttar Pradesh]. In its application to the State of Uttar Pradesh, in Section 10, for the words, Inspector-General, substitute Director-General-cum-Inspector-General. Uttar Pradesh Act 10 of 1984, Section 7.

11. Police superannuation fund

[Repealed by the Repealing Act, 1874 (16 of 1874), section 1 and Schedule.]

12. Power of Inspector-General to make rules

.The Inspector-General of Police may, from time to time, subject to the approval of the State Government, frame such orders and rules as he shall deem expedient relative to the organisation, 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 necessities to 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.

[Uttar Pradesh].In its application to the State of Uttar Pradesh, in Section 12, for the words Inspector-General, substitute wherever occurring Director-General-cum-Inspector-General.Uttar Pradesh Act 10 of 1984, Section 8.

13. Additional police officers 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 months 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.

[Uttar Pradesh].In its application to the State of Uttar Pradesh, in Section 13, for the words, Inspector-General, substitute wherever occurring Director-General-cum-Inspector-General or Inspector-General.Uttar Pradesh Act 10 of 1984, Section 9.

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.

[Uttar Pradesh].In its application to the State of Uttar Pradesh, in Section 14, for the words, Inspector-General, substitute wherever occurring, Director-General-cum-Inspector-General.Uttar Pradesh Act 10 of 1984, Section 10.

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 Magistrates 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 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 immovable 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.

[Uttar Pradesh].In its application to the State of Uttar Pradesh, in Section 15, in sub-S. (2), for the words, Inspector-General, substitute Director-General-cum-Inspector-General.Uttar Pradesh Act 10 of 1984, Section 11.

15.

-A. 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.(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 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 had 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 State Government, by order, to exempt any person 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 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.

[Andhra Pradesh (Andhra Area)].In its application to the State of Andhra Pradesh, in Section 15-A,(i) in sub-S. (1), the words in regard to which any proclamation notified under the last proceeding section is in force and the words being an inhabitant of such area shall be omitted.(ii) in sub-S. (2), Cls. (a), (b) and (c) shall be relettered as Cls. (b), (c) and (d), respectively and the following shall be inserted as Cl. (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.Andhra Pradesh Act 13 of 1948, Section 2.[Orissa].In its application to the State of Orissa, for Section 15-A, substitute the following section, namely:15-A. 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 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 I. 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 or 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.

Orissa Act 5 of 1976, Section 2 (w.e.f. 8-3-1976). [Tamil Nadu]. In its application to the State of Tamil Nadu, in Section 15-A, (i) in sub-S. (1), the words in regard to which any proclamation notified under the last proceeding section is in force and the words being an inhabitant of such area shall be omitted. (ii) in sub-S. (2), Cls. (a), (b) and (c) shall be relettered as Cls. (b), (c) and (d) respectively, and the following shall be inserted as Cl. (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.

Tamil Nadu Act 13 of 1948, Section 2 (w.e.f. 4-5-1948). [Uttar Pradesh]. In its application to the State of Uttar Pradesh, in Section 15-A, (a) in sub-S. (1), for the words one month, substitute three months; (b) to sub-S. (1), add 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.

Uttar Pradesh Act 2 of 1939, Section 2 (w.e.f. 1-1-1939).

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

(1) All moneys payable under sections 13, 14, 15 and 15-A 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) for the recovery of fines, or by suit in any competent Court. (3) All moneys paid or recovered under section 15-A 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 officers

.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 officers may require to act as special police officers for such time and within such limits as he shall deem necessary; and the Magistrate to whom such application is made shall, unless he see 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.

19. Refusal to serve as special police officers

.If any person being appointed a 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 1856 (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 authorised 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.

[Orissa].In its application to the State of Orissa, after Section 23, insert the following23-A. Powers in relation to cognizable offences in a running train.Without prejudice to the provisions contained in the Code of Criminal Procedure, 1973 (2 of 1974), 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.Orissa Act 21 of 1986, Section 2 (w.e.f. 29-11-1986).

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 [- - -].

25. Police officers to take charge of unclaimed property, and be subject to Magistrates 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.

[West Bengal].In its application to the State of West Bengal, in Section 25, after the words, the Magistrate of the district, wherever they occur, insert , or any, other Executive Magistrate authorised by the Magistrate of the district in this behalf.West Bengal Act 34 of 2006, Section 3.

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

[West Bengal].In its application to the State of West Bengal, in Section 25, after the words, the Magistrate of the district, wherever they occur, insert , or any, other Executive Magistrate authorised by the Magistrate of the district in this behalf.West Bengal Act 34 of 2006, Section 4.

27. 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 at the disposal of the State Government.

[West Bengal].In its application to the State of West Bengal, in Section 25, after the words, the Magistrate of the district, wherever they occur, insert , or any, other Executive Magistrate authorised by the Magistrate of the district in this behalf.West Bengal Act 34 of 2006, Section 5.

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 necessities 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 of 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, 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 this 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.

[Punjab, Haryana and Chandigarh]. In its application to the States of Punjab, Haryana and Union territory of Chandigarh, in Section 29, the words before a Magistrate shall be omitted. Punjab Act 25 of 1964, Section 2 and Sch. and Central Act 31 of 1966, Section 88 (w.e.f. 1-11-1966).

Sections 29-A to 29-C

[Pondicherry]. In its application to the Union territory of Pondicherry, after Section 29, insert the following sections, namely:

29-A. 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 in so far as smoking may be any part of 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.

29-B. 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 persons who by their presence, interfere with or impede the operation 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 houses, 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 damaged by fire within the meaning of any policy 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 cause.

29-C. 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 a 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." - Pondicherry Act 6 of 1966, Section 4 (w.e.f. 10-3-1966).

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 possession 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 streets on the occasion of festivals and ceremonies.

[Tamil Nadu].In its application to the State of Tamil Nadu, in Section 30,(i) in sub-S. (1), for the words on the public roads, or in the public streets or thoroughfares, substitute in public place;(ii) in sub-S. (2), for the words in any such road, street or thoroughfare, substitute in any such public place;(iii) in sub-S. (4), for the words in the streets, substitute in public places.Tamil Nadu Act 22 of 1955, Section 2(b) (w.e.f. 21-9-1955) and Tamil Nadu Act 14 of 1962, Section 3 and Sch. I (w.e.f. 9-1-1963).(iv) section was extended to the erstwhile Sandur State by Tamil Nadu Act 35 of 1949, Section 14. Sandur area now forms part of the Mysore State.SeeAct 37 of 1956.[Uttar Pradesh].In its application to the State of Uttar Pradesh, in Section 30, in sub-S. (1), for the words Assistant District Superintendent, substitute Additional District Superintendent or Joint District Superintendent or Assistant District Superintendent.Uttar Pradesh Act 10 of 1984, Section 12.

30.

-A. Powers with regard to assemblies and processions violating conditions of license(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.

[Uttar Pradesh].In its application to the State of Uttar Pradesh, in Section 30-A, sub-S. (1), for the words Assistant District Superintendent, substitute Additional District Superintendent or Joint District Superintendent or Assistant District Superintendent.Uttar Pradesh Act 10 of 1984, Section

13.

31. Police to keep order on 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.

[Tamil Nadu].In its application to the State of Tamil Nadu, in Section 31, for the words on the public roads and in the public streets, thoroughfares, ghats and landing places, and at all other places of public resort, substitute in public places; for the words on the public roads and in the public streets, substitute in public places; and for the words road, street, thoroughfare, ghat or landing place, substitute public place.Tamil Nadu Act 22 of 1955, Section 2.

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

.Every person opposing or not obeying the orders issued under the last three preceding sections, or violating the conditions of any licence 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.

[Punjab, Haryana and Chandigarh].In its application to the States of Punjab, Haryana and Union territory of Chandigarh, in Section 32, the words before a Magistrate shall be omitted.Punjab Act 25 of 1964, Section 2 and Sch. and Central Act 31 of 1966, Section 88 (w.e.f. 1-11-1966).[Uttar Pradesh].In its application to the State of Uttar Pradesh, in Section 32,(i) for the words Assistant District Superintendent, substitute Additional District Superintendent or Joint District Superintendent or Assistant District Superintendent.Uttar Pradesh Act 10 of 1984, Section 14.(ii) after Section 32, insert the following sections, namely:32-A. 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 directed 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 apprehension that the participant 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.32-B. Penalty for contravention of prohibition under section 32-A.(1) Whoever, contravenes any prohibition made under section 32-A, 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.Uttar Pradesh Act 5 of 1985, Section 2 (w.e.f. 1-8-1985).

33. Saving of control of Magistrate of district

.Nothing in the last 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 open place or street or thoroughfare within the limits of any town to which this section shall be specially extended by the State Government, commits any of the following offences, to the obstruction, inconvenience, annoyance, risk, danger or damage of the residents or passengers shall, on conviction before a Magistrate, be liable to a fine not exceeding fifty rupees, or to imprisonment 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: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;SecondCruelty to animals .Any person who wantonly or cruelly beats, abuses or tortures any animal;ThirdObstructing 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;FourthExposing goods for sale .Any person who exposes any goods for sale;FifthThrowing 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, dungheap or the like;SixthBeing found drunk or riotous .Any person who is found drunk or riotous or who is incapable of taking care of himself;SeventhIndecent 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;EighthNeglect to protect dangerous places .Any person who neglects to fence in or duly to protect any well, tank or other dangerous place or structure.

[Bihar].In its application to the State of Bihar, in Section 34, for the word town, substitute local area.Bihar Act 34 of 1954, Section 2 (w.e.f. 14-11-1954).[Manipur].In its application to the State of Manipur,(1) In Section 34 of the Police Act, 1961, for the words not exceeding fifty rupees or to imprisonment with or without hard labour not exceeding eight days, substitute not exceeding five hundred rupees, or to imprisonment with or without hard labour not exceeding three months of an offence under clause sixthly 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.Police (Manipur Second Amendment) Act, 1976), Section 2.(2) The proviso inserted by the Police (Manipur Second Amendment) Act, 1976, after clause eighth shall be omitted.Manipur Act 12 of 1977, Section 2 (w.e.f. 15-12-1977).[Punjab, Haryana and Chandigarh].In its application to the States of Punjab and Haryana and Union territory of Chandigarh, in Section 34, the words before a Magistrate shall be omitted.Punjab Act 25 of 1964, Section 2 and Sch. and Central Act 31 of 1966, Section 88 (w.e.f. 1-11-1966).[Tamil Nadu].In its application to the State of Tamil Nadu, in Section 34, for the words on any road or in any open place or street or thoroughfare, substitute any public place.Tamil Nadu Acts 22 of 1955, Section 2 (w.e.f. 21-9-1955) and 14 of 1962, Section 2 and Sch..[Tripura].In its application to the State of Tripura, in Section 34, after clause eighth, insert the following clause, namely:NinthAny person who rides a bicycle without a bell at any hour of day or night, or without a light, during the hours indicated below, namely:(a) April to September:6.30 p.m. to 5 a.m.(b) October to March:5.30 p.m. to 5 a.m.Tripura Act 6 of 1965, Section 2.[Uttar Pradesh].In its application to the State of Uttar Pradesh, in Section 34,(i) the existing Section 34 shall be renumbered as Section 34(1);(ii) in sub-S. (1) as renumbered the words visitors shall be inserted between the words residents and or passengers and for the word section substitute sub-section;(iii) after sub-S. (1) as so renumbered add the following sub-sections, namely:(2) The State Government may, by notification in the Official Gazette, extend to any rural area specified in the notification the provisions of sub-section (1) and thereupon its provisions shall apply to such area as if it were a town to which the said sub-section had been specially extended.(3) The extension under sub-section (2) shall be for a specified period and in respect of all or any of the offences as may be specified.Uttar Pradesh Act 32 of 1952, Section 2 (w.e.f. 20-11-1952).

Sections 34-A to 34-E

[Manipur].In its application to the State of Manipur, after Section 34, insert the following sections, namely:34-A. 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.34-B. 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 34-A.Manipur Act 1 of 1969, Section 2 (w.e.f. 24-2-1969).34-C. 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 orders (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 tickets 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, performances, amusement, game or sport to which persons are admitted as spectators on production of tickets.Police (Manipur Second Amendment) Act, 1976, Section 3.[Orissa].In its application to the State of Orissa, after Section 34, insert the following section, namely:34-A. 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.Orissa Act 34 of 1976, Section 2 (w.e.f. 23-8-1976).[Pondicherry].In its application to the Union territory of Pondicherry,(i) after Section 34, insert the following sections, namely:34-A. 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 of 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.34-B. 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 of regulation of traffic;(iii) leads or rides any animal or drives, drags or pushes any vehicle upon any footway, or fastens any animal so that it can stand across or upon any footway;(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 sounds any brass or other instrument or utensil 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 of 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, statute, effigy, post, wall, fence, tree or other erection therein or in any manner disfigures, writes upon or otherwise marks, or causes to be defaced, disfigured, written upon, or otherwise marked any such public place or any such building, monument, statute, 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. Pondicherry Act 6 of 1966, Section 5 (w.e.f. 10-3-1966).(2) After Section 34-B, insert the following sections, namely:34-BB. 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. Pondicherry Act 7 of 1968, Section 2 (w.e.f. 11-5-1968).34-C. Penalty for committing nuisance in public place. Whoever in or by the side of or near to any public place commits a nuisance by easing himself or passing urine, or whoever having the care or custody of any child under seven years of age omits to prevent such child committing a nuisance by easing himself or passing urine, shall be punishable with fine which may extend to five rupees.34-D. Penalty for lighting bonfire, burning straw, discharging fire-arm, etc., in or near any public place.(1) Whoever except at such times and places as the Inspector-General of Police or any person authorised in this behalf by him may allow, in or near any public place lights any bonfire, sets fire to or burns any straw or other matter, discharges any fire-arm or air-gun, lets off or discharges any firework, or sends up any fire balloon or permits such act to be done in premises over which he has control, shall be punishable with fine which may extend to fifty rupees.(2) In the event of any such act as is referred to in sub-section (1), being done within any private premises, the person having the immediate control of such premises shall be deemed to have permitted the act, unless he can prove that the act was committed without his knowledge.34-E. Penalty for drunkenness or riotous or indecent behaviour in public place.(1) Whoever is found drunk and incapable of taking care of himself or is guilty of any riotous, disorderly or indecent behaviour in any public place, in any place of public amusement, or on board any passenger boat or vessel, 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.(2) Whoever is guilty of any violent disorderly or indecent behaviour in any police office or station shall be punishable with imprisonment for any term which may extend to one month or with fine which may extend to fifty rupees or with both.34-F. Pawn-brokers, etc., to report stolen property if tendered for pawn or sale.(1) Any officers of police may deliver to any pawn-broker, dealer in second hand property or worker in metals, a list of any property believed to have been stolen, and thereupon it shall be the

duty of such pawn-broker, dealer or worker as aforesaid, upon any article answering the description of any of the property set forth in any such list, being offered him in pawn, for sale or otherwise, to inquire the name and address of the party offering such article, to seize and detain the article, and forthwith to communicate to the nearest police station, the fact of such article having been offered and such name and address as may be given by the party offering.(2) Any pawn-broker, dealer or worker who fails, without any reasonable excuse, to comply with the requirement of sub-section (1), shall be punishable with fine which may extend to fifty rupees for every such offence.(3) A pawn-broker, dealer or worker to whom any article as is referred to in sub-section (1) is offered may detain the person offering such article, pending the arrival of the police.Pondicherry Act 6 of 1966, Section 5 (w.e.f. 10-3-1966).34-G. Prohibition of sale of tickets for admission to an entertainment except under the orders of, and at the place provided and price fixed by the proprietor of the entertainment.(1) Whoever sells or attempts to sell tickets for admission to a place of entertainment, except under the order of, and at the place provided and price fixed in this behalf by, the proprietor of the entertainment, shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to one hundred rupees or with both.(2) Any police officer who takes cognizance of any offence under sub-section (1) may seize any ticket in respect of which he is satisfied that any such offence has been committed.(3) A Court trying any offence punishable under sub-section (1) 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 (2).Explanation.In this section,(a) entertainment means any exhibition, performance, amusement, game or sport to which persons are admitted on production of tickets; and(b) proprietor in relation to any entertainment, includes any person responsible for the management of such entertainment.Regulation 2 of 1979, Section 2 (w.e.f. 9-4-1979).[Sikkim].In its application to the State of Sikkim, after Section 34, insert the following sections, namely:34-A. Power to prohibit, restrict, regulate or impose conditions on the use of microphones, etc.(1) If, in the opinion of theMagistrate of the district or Superintendent of Police of the district or Sub-Divisional Police Officer, it is necessary so to do for the purpose of preventing annoyance to, or injury to the health of, the public or any section thereof, or for the purpose of maintaining public peace and tranquillity, he may, by order, prohibit, restrict, regulate or impose conditions on the use or operation, in any area within his jurisdiction or in any vehicle within such area, of microphones, loudspeakers or other apparatus for amplifying human voice or for amplifying music or other sounds.(2) The State Government may, on its own motion or on the representation of any person or persons aggrieved, modify, alter or cancel any order made under sub-section (1).(3) A police officer, not below the rank of Sub-Inspector, may take such steps or use such force as may be reasonably necessary for securing compliance with any order made under sub-section (1) or any such order as modified or altered by the State Government under sub-section (2) and may seize any microphone, loudspeaker or other apparatus used or operated in contravention of the order.(4) A police officer, who seizes any microphone, loudspeaker or other apparatus under sub-section (3), may also at the same time seize any vehicle in which such microphone, loudspeaker or other apparatus is being carried or conveyed or is being kept at that time:Provided that any police officer of the police-station within the limits of which the vehicle is seized, not below the rank of Sub-Inspector, may release such vehicle on a bond for such sum not exceeding five hundred rupees as he deems reasonable being executed by the owner of the vehicle in favour of the State Government to produce the vehicle at the time of the investigation or the trial,

and to surrender the vehicle, if directed to be forfeited under sub-section (5). (5) Any person who contravenes any order made by the Magistrate of the district or Superintendent of Police of the district or any Sub-Divisional Police Officer under sub-section (1) or any such order as modified or altered by the State Government under sub-section (2), shall, on conviction before a Magistrate, be liable to a fine which may extend to one hundred rupees and the Court trying an offence under this section may also direct the forfeiture of any microphone, loudspeaker or other apparatus seized under sub-section (3) or any vehicle seized under sub-section (4) or released under the proviso to that sub-section. (6) The provisions of this section shall be in addition to and not in derogation of the powers conferred by any other section of the Act.

34-B. Power to prohibit sale of tickets for admission to an entertainment except under the orders and at the place provided and price fixed, etc. (1) Any person who sells or attempts to sell ticket for admission to a place of entertainment, except under the order of, and at the place provided for and price fixed in this behalf, by the proprietor of the entertainment shall on conviction before a Magistrate, be liable to imprisonment for a term which may extend to three months or fine which may extend to one hundred rupees or with both. (2) Any police officer not below the rank of Head-Constable may take into custody, without warrant, any person who, in his view, commits any offence punishable under sub-section (1) or seize any tickets in respect of which he is satisfied that any such offence has been committed. (3) A Court trying any offence punishable under sub-section (1) 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 (2).

Explanation. In this section (a) entertainment means any exhibition, performance, amusement, game or sport to which persons are admitted on production of ticket, and (b) the expression proprietor in relation to any entertainment includes any person responsible for the management of such entertainment.

Sikkim Act 7 of 1980, Section 3 (w.e.f. 4-7-1980). [Tripura]. In its application to the State of Tripura, after Section 34, insert the following sections, namely:

34-A. Prohibition of sale of tickets for admission to an entertainment except under the orders of, and at the place provided and price fixed by, the proprietor of the entertainment. (1) Any person who sells or attempts to sell tickets for admission to a 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, on conviction before a Magistrate, be liable to imprisonment for a term not exceeding eight days or to a fine not exceeding fifty rupees. (2) Any police officer not below the rank of Sub-Inspector may take into custody, without a 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. (3) A Court trying an offence punishable under sub-section (1) 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 (2).

Explanation. In this section (a) entertainment means any exhibition, performance, amusement, game or sport 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.

34-B. Offences under sections 32, 34 or 34-A to be compoundable. (1) An offence punishable under sections 32, 34 or 34-A may, with the permission of the Court before which any prosecution for such offence is pending, be compounded by the District Superintendent of Police or any person authorised in this behalf by him. (2) The composition of an offence under sub-section (1) shall have the effect of an acquittal of the accused with whom the offence has been compounded.

Tripura [Uttar Pradesh]. In its

application to the State of Uttar Pradesh, after Section 34, insert the following section, namely:34-A. Compounding of offences under sections 32 and 34. An offence punishable under section 32 or section 34 may, subject to any general or special order of the State Government in this behalf, be compounded by the District Superintendent of Police, either before or after the institution of the prosecution, on realisation of such amount of composition fee as he thinks fit not exceeding the maximum amount of fine fixed for the offence; and when the offence is so compounded (i) before the institution of prosecution, the offender shall not be liable to prosecution, for such offence and shall, if in custody, be set at liberty; (ii) after the institution of the prosecution, the composition shall amount to acquittal of the offenders. Uttar Pradesh Acts 12 of 1957 and 35 of 1979, Section 5 (w.e.f. 18-12-1979). [West Bengal]. In its application to the State of West Bengal, after Section 34, insert the following sections, namely:34-A. Power to prohibit, restrict, regulate or impose conditions on the use of microphones, etc. (1) If, in the opinion of the Magistrate of the district or any Sub-Divisional Magistrate, or Magistrate of the first class, it is necessary so to do for the purpose of preventing annoyance to, or injury to the health of, the public or any section thereof, or for the purpose of maintaining public peace and tranquillity, he may, by order, prohibit, restrict, regulate or impose conditions on the use or operation, in any area within his jurisdiction or in any vehicle within such area, of microphones, loudspeakers or other apparatus for amplifying human voice or for amplifying music or other sound. (2) The State Government may, on its own motion or on the representation of any person or persons aggrieved, modify, alter or cancel any order made under sub-section (1). (3) A police officer not below the rank of Sub-Inspector, may take such steps or use such force as may be reasonably necessary for securing compliance with any order made under sub-section (1) or any such order as modified or altered by the State Government under sub-section (2) and may seize any microphone, loudspeaker or other apparatus used or operated in contravention of the order. (4) A police officer, who seizes any microphone, loudspeaker or other apparatus under sub-section (3), may also at the same time seize any vehicle in which such microphone, loudspeaker or other apparatus is being carried or conveyed or is being kept at that time: Provided any police officer of the police-station within the limits of which the vehicle is seized, not below the rank of Sub-Inspector, may release such vehicle on a bond for such sum not exceeding five hundred rupees as he deems reasonable being executed by the owner of the vehicle in favour of the State Government to produce the vehicle at the time of the investigation or the trial, and to surrender the vehicle, if directed to be forfeited under sub-section (5). (5) Any person who contravenes any order made by the Magistrate of the district or any Sub-Divisional Magistrate or Magistrate of the first class under sub-section (1) or any such order as modified or altered by the State Government under sub-section (2) shall, on conviction before a Magistrate, be liable to a fine which may extend to one hundred rupees and the Court trying an offence under this section may also direct the forfeiture of any microphone, loudspeaker or other apparatus seized under sub-section (3) or any vehicle seized under sub-section (4) or released under the proviso to that sub-section. (6) The provisions of this section shall be in addition to and not in derogation of the powers conferred by any other section of this Act. West Bengal Act 38 of 1963, Section 5 (w.e.f. 3-2-1964). 34-B. Prohibition of sale of tickets for admission to an entertainment except under the orders of, and at the place provided and price fixed by, the proprietor of the entertainment. (1) Any person who sells or attempts to sell tickets for admission to a 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, on conviction before a Magistrate, be liable to imprisonment for a term which

may extend to three months or with fine which may extend to one hundred rupees or to both.(2) 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.(3) A Court trying any offence punishable under sub-section (1) 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 (2).Explanation.In this section(a) entertainment means any exhibition, performance, amusement, game or sport 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.West Bengal Act 26 of 1964, Section 4 (w.e.f. 12-12-1964).

35. Jurisdiction

.[- -] Any charge against a police officer above the rank of a constable under this Act shall be enquired into and determined only by an officer exercising the powers of a Magistrate.

[Gujarat].Same as that of Maharashtra.Gujarat Act 11 of 1960, Section 89.[Maharashtra].In its application to the State of Maharashtra, in Section 35, for the words exercising the powers of a Magistrate, substitute of such rank as the State Government may by a general or special order direct.Bombay Act 21 of 1954, Section 3 and Sch.

Sections 35-A to 35-C

[Pondicherry].In its application to the Union territory of Pondicherry, after Section 35, insert the following sections, namely:35-A. Fee for licence.For every licence or permission granted under this Act the Inspector-General of Police may levy such fee not exceeding two rupees as may, from time to time, be fixed by the State Government.35-B. Police officer may arrest without a warrant in view of offence.Any Police Officer may arrest without a warrant any person committing in his view any offence made punishable under sections 29-A, 34-A, 34-B, 34-C, 34-D, *34-E or 34-G.35-C. Penalty for breach of conditions of licences.(1) For any breach of the conditions of a licence granted under this Act, the offender shall be liable on conviction to fine, not exceeding one hundred rupees and such fine may be recovered from the person licenced, notwithstanding that such breach may have been owing to the default or carelessness of his servant or agent in charge of the shop or place.(2) Any licence granted to a person who is convicted for any breach of any of the conditions of a licence granted under this Act shall also be liable to be cancelled at the discretion of the Inspector-General of Police.Pondicherry Act 6 of 1966, Section 6 (w.e.f. 10-3-1966).*Substituted by Regulation 2 of 1979, Section 3 (w.e.f. 9-4-1979).

36. Power to prosecute under other law not affected

.Nothing contained in this Act shall be construed to prevent any person from being prosecuted under any other Regulation or Act for any offence made punishable by this Act, or from being liable under any other Regulation or Act or any other or higher penalty or punishment than is provided for such offence by this Act:Proviso .Provided that no person shall be punished twice for the same offence.

37. Recovery of penalties and fines imposed by Magistrates

.The provisions of sections 64 to 70, both inclusive, of the Indian Penal Code (45 of 1860), and of sections 386 to 389, both inclusive, of the Code of Criminal Procedure, 1882 (10 of 1882), with respect to fines, shall apply to penalties and fines imposed under this Act on conviction before Magistrate:Provided that, notwithstanding anything contained in section 65 of the first-mentioned Code, any person sentenced to fine under section 34 of this Act, may be imprisoned in default of payment of such fine for any period not exceeding eight days.

38. Procedure until return is made to warrant of distress

.[Repealed by the Police (Amendment) Act, 1895 (8 of 1895), section 14.]

39. Imprisonment if distress not sufficient

.[Repealed by the Police (Amendment) Act, 1895 (8 of 1895), section 14.]

40. Levy of fines from European British Subjects

.[Repealed by the Police (Amendment) Act, 1895 (8 of 1895), section 14.]

41. Rewards to police and informers payable to General Police Fund

. [Repealed by A.O. 1937.]

42. Limitation of actions

.All actions and prosecutions against any person, which may be lawfully brought for anything done or intended to be done under the provisions of this Act, or under the general police powers hereby given shall be commenced within three months after the act complained of shall have been committed, and not otherwise; and notice in writing of such action and of the cause thereof shall be given to the defendant, or to the District Superintendent or an Assistant District Superintendent of the district in which the act was committed, one month at least, before the commencement of the action.Tender of amends . No plaintiff shall recover in any such action, if tender of sufficient amend shall have been made before such action brought, or if a sufficient sum of money shall have been paid into Court after such action brought, by or on behalf of the defendant, and though a decree shall be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant, unless the Judge before whom the trial is held shall certify his approbation of the action:Proviso . Provided always that no action shall, in any case, lie where such officers shall have been prosecuted criminally for the same act.

[Uttar Pradesh].In its application to the State of Uttar Pradesh, in Section 42, for the words an Assistant District Superintendent, substitute Additional District Superintendent or Joint District

Superintendent or Assistant District Superintendent. Uttar Pradesh Act 10 of 1984, Section 15.

43. Plea that act was done under warrant

.When any action or prosecution shall be brought or any proceedings held against any police officer for any act done by him in such capacity, it shall be lawful for him to plead that such act was done by him under the authority of a warrant issued by a Magistrate. Such plea shall be proved by the production of the warrant directing the act, and purporting to be signed by such Magistrate and the defendant shall, thereupon, be entitled to a decree in his favour, notwithstanding any defect of jurisdiction in such Magistrate. No proof of the signature of such Magistrate shall be necessary, unless the Court shall see reason to doubt its being genuine: Proviso . Provided always that any remedy which the party may have against the authority issuing such warrant shall not be affected by anything contained in this section.

44. Police officers to keep diary

.It shall be the duty of every officer in charge of a police station to keep a general diary in such form shall, from time to time, be prescribed by the State Government and to record therein all complaints and charges preferred, the names of all persons arrested, the names of the complainants, the offences charged against them, the weapons or property that shall have been taken from their possession or otherwise, and the names of the witnesses who shall have been examined. The Magistrate of the district shall be at liberty to call for and inspect such diary.

45. State Government may prescribe form of returns

.The State Government may direct the submission of such returns by the Inspector-General and other police officers as to such State Government shall seem proper, and may prescribe the form in which such returns shall be made.

[Madhya Pradesh]. In its application to the State of Madhya Pradesh, after Section 45, insert the following section, namely: 45-A. Conferment of powers of police officers. The State Government may, by notification, confer on any person any of the powers which may be exercised by a police officer under any act for the time being in force and such person shall be subject to the orders of the District Superintendent of Police. Madhya Pradesh Act 23 of 1958, Section 3 and Sch. [Uttar Pradesh]. In its application to the State of Uttar Pradesh, in Section 45, for the words Inspector General, substitute Director-General-cum-Inspector-General. Uttar Pradesh Act 10 of 1984, Section 16.

46. Scope of Act

(1) This Act shall not, by its own operation, take effect in any Presidency, State or place. But the State Government by an order to be published in the Official Gazette, may extend the whole or any part of this Act to any Presidency, State or place, and the whole or such portion of this Act, as shall be specified in such order, shall thereupon, take effect in such Presidency, State or place. (2) When the whole or any part of this Act shall have been so extended, the State Government may, from time to

time, by notification in the Official Gazette, make rules consistent with this Act(a)to regulate the procedure to be followed by Magistrates and police officers in the discharge of any duty imposed upon them by or under this Act;(b)to prescribe the time, manner and conditions within and under which claims for compensation under section 15-A are to be made, the particulars to be stated in such claims, the manner in which the same are to be verified, and the proceedings (including local enquiries, if necessary) which are to be taken consequent thereon; and(c)generally, for giving effect to the provisions of this Act.(3)All rules made under this Act may, from time to time, be amended, added to or cancelled by the State Government.

[Gujarat].Same as that of Maharashtra.Gujarat Act 11 of 1960, Section 87 (w.e.f. 1-5-1960).[Maharashtra].In its application to the State of Bombay, in Cl. (a) of sub-S. (2) of Section 46, for the words Magistrate, substitute Executive Magistrates.Bombay Act 21 of 1954, Section 3 and Sch. II.[Orissa].In its application to the State of Orissa, in Section 46, sub-S. (1) and the first fourteen words of sub-S. (2) shall be omitted.Orissa Act 4 of 1950, Sch. (w.e.f. 3-3-1950).

47. Authority of District Superintendent of Police over village police

.It shall be lawful for the State Government in carrying this Act into effect in any part of the territories subject to such State Government, to declare that any authority which now is or may be exercised by the Magistrate of the district over any village watchman or other village police officer for the purposes of police, shall be exercised, subject to the general control of the Magistrate of the district, by the District Superintendent of Police.FORM(See section 8)A, B has been appointed a member of the police force under Act 5 of 1861, and is vested with the powers, functions and privileges of a police officer.