

ORISSA ACT 8 OF 2007

THE ORISSA URBAN POLICE ACT, 2003

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SCHEDULE

ORISSA ACT 8 OF 2007

THE ORISSA URBAN POLICE ACT, 2003

[Received the assent of the President on the 24th September, 2007 first published in an Extraordinary issue of the *Orissa Gazette*, dated the 15th October, 2007 (No. 1949)]

AN ACT TO PROVIDE FOR REORGANISATION AND REGULATION OF POLICE IN CERTAIN URBAN AREAS OF THE STATE.

BE it enacted by the Legislature of the State of Orissa in the Fifty-fourth Year of the Republic of India as follows :—

CHAPTER I

PRELIMINARY

Short title, extent and commencement.

1. (1) This Act may be called the Orissa Urban Police Act, 2003.
- (2) It extends to the whole of the State of Orissa.
- (3) It shall come into force on such date as the Government may, by *notification, appoint.

Cesser of operation of certain enactments and saving.

2. (1) On and from the date on which a Commissionerate is created under section 4 in respect of any area, any enactment in force in that area which is inconsistent with, or a repetition of, the provisions of this Act shall cease to be in force in such area:

Provided that —

- (a) all rules prescribed, appointments made, powers conferred, orders made or passed, directions and certificates issued, consent, permit, permission or licences given, summons or warrants issued or served, persons arrested or detained or discharged on bail or bond, search warrants issued, bonds forfeited, penalty incurred under any such enactment shall, so far as they are consistent with this Act, be deemed to have been prescribed, made, conferred, passed, issued, given, served, arrested, detained, discharged, forfeited or incurred, as the case may be, under this Act ; and

* Came into force w.e.f. 1st day of January 2008 vide Home Department Notification No. PAD-II 194/2007 (Pt.III) 60883 dt. 28-12-2007

(b) all references, in any enactment to any of the provisions of the enactments so ceasing to be in force, shall in relation to that area be construed as references to the corresponding provisions of this Act.

(2) The cesser of operation of any enactment in any area under subsection (1) shall not affect—

- (a) the validity, invalidity, effect or consequence of anything done or suffered to be done thereunder in such area before the date of such cesser ;
- (b) any right, privilege, obligation or liability already acquired, accrued or incurred before such date ;
- (c) any penalty, forfeiture or punishment incurred or inflicted in respect of any act before such date ;
- (d) any investigation, legal proceeding or remedy in respect of such right, privilege, obligation, liability, penalty, forfeiture or punishment ; or
- (e) any legal proceedings pending in any court or before any officer on such date or anything done or suffered to be done in the course of such proceedings, and any such proceedings or any appeal or revisional proceedings arising out of such proceedings shall be instituted, continued or disposed of, as the case may be, as if this Act had not been enacted.

Definitions.

3. In this Act, unless the context otherwise requires —

- (a) "cattle" includes elephants, camels, horses, asses, mules, cows, bulls, buffaloes, goats, sheep and swine ;
- (b) "Commissionerate" means a Police Commissionerate created under section 4;
- (c) "Commissioner", "Additional Commissioner", "Deputy Commissioner", "Additional Deputy Commissioner" and "Assistant Commissioner" shall respectively mean Commissioner of Police, Additional Commissioner of Police, Deputy Commissioner of Police, Additional Deputy Commissioner of Police and Assistant Commissioner of Police appointed under this Act ;
- (d) "competent authority" when used with reference to the exercise of any power or discharge of any duty under the provisions of this Act, means the person specially empowered in that behalf by the Government ;
- (e) "Director General of Police" means the Inspector-General of Police appointed by the Government under section 4 of the Police Act, 1861;

- (f) "eating house" means any place to which the public are admitted and where any kind of food or drink is supplied for consumption on the premises by any person owning or having any interest in, or managing, such place and includes—
- (i) a refreshment room, boarding house or coffee house, or
 - (ii) a shop where any kind of food or drink is supplied to the public for consumption in or near such shop ;
- (g) "Government" means the State Government of Orissa ;
- (h) "place" includes —
- (i) any building, tent, booth or other erection, whether permanent or temporary, and
 - (ii) any area, whether enclosed or open ;
- (i) "place of public amusement" means any place where music, singing, dancing or game or any other amusement, diversion, or recreation or the means of carrying on the same is provided, to which the public are admitted either on payment of money or with the intention that money may be collected from those admitted, and includes a race course, circus, theatre, music hall, billiard or bagatelle room, gymnasium, video parlour, game parlour, beauty parlour, saloon, fencing school, swimming pool or dancing hall ;
- (j) "place of public entertainment" means a lodging house, boarding and lodging house or residential hostel, and includes any eating house or other place in which any kind of liquor or intoxicating drug is supplied (such as a tavern or a shop where beer, spirit, wine, arrack, toddy, ganja, bhang or opium is supplied) to the public for consumption in or near such place ;
- (k) "police" or "police force" means the police force referred to in section 5 and includes—
- (i) all persons appointed as Special Police Officers under subsection (1) of section 13 and Additional Police Officers appointed under section 14, and
 - (ii) all other persons, by whatever name known, who exercise any police function in any area specified by notification under section 4;
- (l) "police officer" means any of the police personnel referred to in section 5 and includes any Special Police Officers and Additional Police Officers appointed under this Act ;
- (m) "prescribed" means prescribed by rules ;
- (n) "public place" means any place to which the public have access, whether as of right or not, and includes—
- (i) a public building, monument and precincts or foreshore thereof, and
 - (ii) any place accessible to the public for drawing water, washing or bathing or for purposes of recreation ;

- (o) "regulation" means regulations made under this Act ;
- (p) "rules" means rules made under this Act ;
- (q) "street" includes any highway, bridge, way over a causeway, viaduct or arch or any road, lane, footway, square, court, alley or passage accessible to the public, whether or not it is a thoroughfare ;
- (r) "subordinate ranks" in the context of police force means the members of the Orissa police force below the rank of Deputy Superintendent ;
- (s) "urban area" means the territorial area of a Municipality constituted under the Orissa Municipal Act, 1950, and includes the territorial area of a Corporation constituted under the Orissa Municipal Corporation Act, 2003; Orissa Act
23 of 1950.
Orissa Act
11 of 2003.
- (t) "vehicle" means any carriage, cart, van, dray, truck, handcart or other conveyance of any description and includes a bicycle, a tricycle, a rickshaw, a motor vehicle, a vessel or an aeroplane but does not include a perambulator.

CHAPTER II

ORGANISATION, SUPERINTENDENCE AND CONTROL OF POLICE

4. The Government may, by notification, create a Police Commissionerate for any area comprising the territorial area of any one or more Corporations constituted under the Orissa Municipal Corporation Act, 2003 and may include any other contiguous area as may be specified in the notification. Orissa Act
11 of 2003.
5. A Commissionerate created under section 4 shall consist of such number of police personnel of the Orissa Police Force constituted under section 2 of the Police Act, 1861 in the several ranks and have such organisation and functions and duties as the Government may, by general or special order published in the Gazette, determine. 5 of 1861.
6. (1) The Government may appoint a police officer to be the Commissioner for any area specified in the notification under section 4.
- (2) The Government may also appoint one or more Additional Commissioners to assist the Commissioner in discharge of his duties under this Act.
- (3) Subject to the general control and supervision of the Director General of Police, the Commissioner shall exercise such powers, perform such functions and duties and shall have such responsibilities and authority as are provided by or under this Act or the rules.

Duties of
Additional
Commissioner of
Police.

7. The Government may, by general or special order, empower an Additional Commissioner to exercise and perform all or any of the powers, functions or duties to be exercised or performed by the Commissioner under this Act, subject to the control of the Commissioner.

Deputy,
Additional
Deputy
and
Assistant
Commissioners of
Police.

8. (1) The Government may appoint one or more Deputy Commissioners or Additional Deputy Commissioners or Assistant Commissioners for the purposes of this Act.

(2) Without prejudice to the other provisions of this Act and subject to any general or special orders made by the Government in this behalf, every Deputy Commissioner or Additional Deputy Commissioner or Assistant Commissioner shall, under the orders of Commissioner, exercise such powers and perform such of the duties of the Commissioner and within such local limits as may be specified in such orders.

Constitution
of Police
district,
subdivisions
and police
stations.

9. The Government may, by notification, —

- (a) constitute police districts within the jurisdiction of a Commissionerate;
- (b) divide such police districts into police subdivisions and specify the police stations comprised in each such subdivision; and
- (c) define the limits and extent of such police districts, police subdivisions and police stations.

Officer-in-charge of police districts, police subdivisions and police stations.

10. (1) Each police district shall be under the charge of a Deputy Commissioner, who may be assisted in the discharge of his duties by one or more Additional Deputy Commissioners and Assistant Commissioners.

(2) Each police subdivision shall be under the charge of an Assistant Commissioner and each police station shall be under the charge of an Inspector or Sub-Inspector of Police.

General
powers of
Commissioner.

11. The Commissioner shall, within his sphere of authority, direct and regulate all matters of arms, drill, exercise, observation of persons and events, mutual relations, distribution of duties, study of laws, orders and modes of proceedings and all matters of executive detail including the fulfilment of duties by the police force under him.

Power of
Commissioner to
investigate
and regulate
matters of
police
accounts.

12. The Commissioner shall have the authority to investigate and regulate all matters of account connected with the police force of the Commissionerate and all persons concerned shall be bound to give him reasonable aid and facilities in conducting such investigations and to conform to his orders consequent thereto.

13. (1) The Commissioner may, at any time by written order signed by himself and sealed with his own seal, appoint, on honorary basis for not more than three months at a time, any able bodied person, not below the age of eighteen years and above the age of fifty years, whom he considers fit to be a Special Police Officer to assist the police force on any occasion, when he has reason to apprehend the occurrence of any riot or grave disturbance of the peace in any area of the Commissionerate and he is of opinion that the police force is not sufficient for the protection of persons residing, and for the security of property within such area:

Provided that no person shall be appointed as a Special Police Officer against his will.

(2) The Commissioner shall publish the names of Special Police Officers appointed under this section in such manner as may be prescribed.

(3) Any person objecting to the appointment of any person as such Special Police Officer may send his reasons for such objection to the Commissioner within fifteen days of such appointment and the Commissioner may accept such objection and cancel the appointment of such officer or, after giving to the objector an opportunity to be heard, reject the objection.

(4) Every Special Police Officer so appointed shall, on appointment—

- (a) receive a certificate of appointment, in a form approved by the Government in this behalf, the acceptance of which shall be the conclusive evidence of his consent to the appointment;
- (b) have the same powers, privileges and immunities and be liable to the same duties and responsibilities and subject to the same authorities as an ordinary police officer.

14. (1) Additional Police Officers of such rank or grade for such time and on such pay, as the Government may determine, may be employed or deputed by the Commissioner for the purposes of this Act.

(2) Every Additional Police Officer so appointed shall, on appointment,—

- (a) receive a certificate of appointment in a form approved by the Government in this behalf;
- (b) be vested with all or such of the powers, privileges and immunities and perform such of the duties of a police officer as are specially mentioned in the certificate; and
- (c) be subject to the orders of the Commissioner as an ordinary police officer of the same or similar rank or grade.

(3) The employment or deputation of such Additional Police Officer may be made at the request of any person requiring such police and the cost of such employment shall, as far as feasible, be realised in advance, and the dues, not paid shall be recovered in such manner as is provided by or under this Act or the rules.

Return of
certificate
of appoint-
ment etc.

15. (1) Every person, having ceased to be a Special Police Officer or Additional Police Officer under this Act, shall forthwith deliver up his certificate, clothing, accoutrements, arms, ammunition and other necessaries, which have been supplied to him for the execution of his duty.

(2) If any person, being so appointed, employed or deputed as a Special Police Officer or Additional Police Officer, without sufficient excuse neglects or refuses to obey such lawful order or direction as may be given to him for the performance of his duties or, on ceasing to be a Special Police Officer or Additional Police Officer, fails to deliver up forthwith his certificate, clothing, accoutrements, arms, ammunition and other necessaries which have been supplied to him for execution of his duty, he shall be liable, on conviction before a Magistrate, to a fine not exceeding five hundred rupees for such neglect, refusal, disobedience or failure to deliver up:

Provided that in case of failure to deliver up the arms and ammunition he shall be deemed to be in illegal possession of such arms and ammunition and shall accordingly be liable under the relevant provisions of the Arms Act, 1959 and the rules made thereunder for such illegal possession of arm and ammunition.

CHAPTER III

DUTIES, POWERS AND RESPONSIBILITIES OF POLICE

Duties of a
police
officer.

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

- (i) promote and preserve public order;
- (ii) investigate crimes and, where appropriate, to apprehend offenders and participate in subsequent legal proceedings connected therewith;
- (iii) identify problems and situations that are likely to result in commission of crimes;
- (iv) reduce the opportunities for the commission of crimes through preventive patrol and other prescribed police measures;
- (v) aid and co-operate with other relevant agencies in implementing the prescribed measures for prevention of crimes;
- (vi) aid individuals who are in danger of physical harm;
- (vii) create and maintain a feeling of security in the community;

- (viii) facilitate orderly movement of people and vehicles;
- (ix) counsel and endeavour to resolve contentious issues and promote amity;
- (x) provide necessary services as enjoined under law and afford relief to people in distress situations;
- (xi) collect intelligence relating to matters affecting public peace and crimes in general including social and economic offences, national integrity and security;
- (xii) perform such other duties as may be enjoined on them by any law for the time being in force;
- (xiii) promptly serve every summons and obey and execute every warrant or other order lawfully issued to him by the competent authority and to comply with all lawful commands of his superiors;
- (xiv) to the best of his ability, obtain intelligence concerning the commission of cognizable offences or designs to commit such offences and to lay such information and to take such other steps consistent with law and with the orders of his superiors as shall be best calculated to bring offenders to justice and to prevent the commission of cognizable and, within his view, of non-cognizable offences;
- (xv) to aid any other police officer when called upon by such other police officer or in case of need in discharge of the duty of such other police officer, in such ways as would be lawful and reasonable on the part of the officer aided;
- (xvi) take prompt measures to procure necessary help for any person, under arrest or in custody, who is wounded or sick and, whilst guarding or conducting any such person, to have due regard to his condition;
- (xvii) aid and co-operate with other agencies for the prevention of all offences and all wanton destruction of public property by violence, vandalism, fire and accidents;
- (xviii) prevent such conduct in public places as would prove to be dangerous for the persons indulging in such acts like, overloading of vehicle or driving dangerously and recklessly;
- (xix) refrain from causing needless inconvenience to the members of the public in the discharge of his duties;

- (xx) while taking a person into custody, ensure that he is not denied his rights and privileges and, in particular, to ensure that an arrested person in custody is able to inform a person of his choice the fact of his detention;
- (xxi) show, by personal conduct, that it is in the general interest of society to abide by the law in operation; and
- (xxii) aid and rescue public authorities in due discharge of their duties and responsibilities during war, peace and natural calamities or otherwise.

Duties of police officer towards weaker sections and the poor.

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

- (i) register all cognizable offences brought to his notice by a complainant in person or by post or from his knowledge and take prompt steps to acknowledge registration of such offences where necessary and proceed with such investigation in accordance with law;
- (ii) guide and assist members of the public, particularly the poor and indigent, disabled or physically weak and children who are either lost or find themselves helpless on the streets or other public places;
- (iii) take charge of intoxicated persons and lunatics at large, who in their ignorance may cause harm to themselves or other members of the public and their property;
- (iv) assist in preventing the poor and indigent persons from exploitation by any organised group;
- (v) prevent eve-teasing and harassment of women in public places or otherwise;
- (vi) prevent harassment and help the children in need of care and protection;
- (vii) deal with juveniles in conflict with law by adopting child friendly approach for their ultimate rehabilitation;
- (viii) behave with all the members of the public with due decorum and courtesy, particularly so in dealing with women and children, where strict regard should be paid to decency and reasonable gentleness;
- (ix) arrange for legally permissible sustenance and shelter to every person in custody and making known to poor persons in custody the provisions of legal aid schemes being enforced in the State and also inform the authority concerned to provide such aid;

- (x) provide every kind of assistance to victims of road accidents and in particular ensuring that they are given prompt medical aid without waiting for formalities; and
- (xi) assist accident victims or their heirs or their dependents, where applicable, with such information and documents as would facilitate their compensation claims and making the victims of accidents aware of their rights and privileges.

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

- (i) regulate and control the traffic in the streets to prevent obstructions therein and, to the best of his ability, to prevent the contravention of any rule, regulation or order made under this Act or any other law in force for observance by the public in or near the streets;
- (ii) keep order in the streets, pavements and at and within public bathing and washing places, fairs, temples and all other places of public resort and in the neighbourhood of places of public worship;
- (iii) regulate public bathing and washing places and all other places of public resort, to prevent over-crowding in such places and, to the best of his ability, to prevent the contravention of any regulation or order lawfully made for observance by the public at such places;
- (iv) prevent to the best of his ability the commission of public nuisance; and
- (v) prevent and remove or cause to be removed encroachments, littering and misuse of streets and pavements by hawkers and others.

19. (1) It shall be the duty of every police officer to ensure compliance with the provisions of this Act or any rule, regulation or order made thereunder and, for that purpose, such police officer may —

- (a) warn persons, who from ignorance fail to comply with any of the provisions of this Act or of the rules, regulations or orders made thereunder;
- (b) require any person, acting or about to act contrary to any of the provisions of this Act or of the rules, regulations or orders made thereunder, to desist from so doing;
- (c) subject to the provisions of sub-sections (2) and (3), arrest any person contravening any of the provisions of this Act or of the rules, regulations or orders made thereunder, where such contravention is an offence punishable under this Act; and

Duties of police officers while regulating traffic

Duties of police officers to enforce provisions of this Act.

- (d) seize any object used, or about to be used, in contravening or in contravention of the provisions of this Act or the rules, regulations or orders made thereunder, where such contravention is an offence punishable under this Act.

(2) A police officer shall not arrest any person under clause (c) of sub-section (1) without a warrant issued by a Magistrate, unless such person—

- (a) has contravened any regulation made under section 28 for regulating traffic and for preservation of order in public places;
- (b) has contravened any order or notification made under section 29, 30 or 32;
- (c) commits in the presence of such police officer offences punishable under section 84 or sub-section (1) of section 95 or clause (a), (b) or (c) of section 96 or sub-section (2) of section 99 only in respect of contravention of any order made under section 33 or 34;
- (d) commits in his presence in any street or public place any non-cognizable offence punishable under this Act or any of the rules or regulations made thereunder, if such person —
 - (i) after being warned by the police officer, persists in committing such offence; or
 - (ii) refuses to accompany the police officer to a police station on being required so to do.

(3) The Commissioner or any other police officer, specially empowered in this behalf by the Director General of Police, may arrest without warrant by a Magistrate any person who has committed an offence under section 77.

Power to search suspected persons in streets etc.

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

21. (1) The Government may, by notification, declare any specified service to be an essential service to the community.

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

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

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

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

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

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

CHAPTER IV

REGULATION, CONTROL AND DISCIPLINE OF POLICE

24. Subject to previous sanction of the Government, the Commissioner may, by notification, make regulations, not inconsistent with this Act or any other law for the time being in force, —

- (a) regulating the inspection and training of the police force by his subordinates;
- (b) determining the description and quantity of arms, accoutrements, clothing and other necessaries to be furnished to the police;

- (c) prescribing the places of residence of members of the police force;
- (d) for the institution, management and operation of any police fund for any purpose connected with police administration;
- (e) regulating the distribution, movements and location of the police;
- (f) assigning duties to police officers of all ranks and grades and prescribing –
 - (i) the manner in which, and
 - (ii) the conditions subject to which,
 they shall exercise and perform their respective powers and duties;
- (g) regulating the collection and communication by the police of intelligence and information;
- (h) prescribing the books and registers to be maintained and the returns to be submitted by police officers; and
- (i) generally, for the purpose of rendering the police efficient and preventing abuse or neglect of their duties.

Discipline
and
penalties.

25. (1) The Director General of Police, the Commissioner, the Additional Commissioner, the Deputy Commissioner, the Additional Deputy Commissioner and the Assistant Commissioner shall have the same powers to suspend, discipline and penalise the police officers of subordinate ranks as may have been given to them or to police officers of their equivalent ranks in the State by or under the Police Act, 1861 and while doing so they shall follow the same procedure and award the same penalties as prescribed by or under the said Act.

(2) An appeal against any order of punishment passed against a police officer of subordinate rank shall lie in the same manner and be subject to same conditions and limitations as prescribed by or under the Police Act, 1861.

Police
officers when
deemed
always
on duty.

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

Police officer
not to resign
without leave
or notice.

27. No police officer shall resign his office or withdraw himself from the duties thereof, unless expressly allowed to do so in writing by the Commissioner or by such other officer as may be authorised by the Commissioner to grant such permission or unless he has given to his superior officer, a notice in writing for a period not less than two months of his intention to do so.

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

CHAPTER V

POLICE REGULATIONS

28. (1) The Commissioner may, with the previous sanction of the Government, make regulations to provide for all or any of the following matters, namely:—

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

- (viii) licensing, controlling or, in order to prevent obstruction, inconvenience, annoyance, risk, danger or damage to the residents or passengers in the vicinity, prohibiting the carrying in streets and public places or storage of any hazardous or noxious substance;
- (ix) prohibiting, except along certain specified streets and during specified hours and subject to such conditions as may be specified in that behalf, the exposure or movement in any street of persons or animals suffering from contagious or infectious disease, the carcasses of animals or parts of such carcasses or corpses of persons deceased;
- (x) specifying certain hours of the day during which ordure or offensive matter or objects shall not be taken from or into houses or buildings in certain streets or conveyed through such streets except in accordance with such regulations;
- (xi) setting apart places for slaughtering animals, sale of flesh, the cleaning of carcasses or hides, the deposit of noxious or offensive matter and for obeying calls of nature;
- (xii) in case of existing or apprehended epidemic or infectious disease of men or animals, the cleanliness and disinfection of premises by the occupier thereof and residents therein and the segregation and management of the persons or animals diseased or supposed to be diseased, as may have been directed or approved by the Government with a view to prevent the disease or check the spread thereof;
- (xiii) directing the closing or disuse, wholly or for certain purposes, or limiting to certain purposes only the use of any source, supply or receptacle of water and providing against pollution of the same or of the water therein;
- (xiv) licensing, controlling or, in order to prevent obstruction, inconvenience, annoyance, risk, danger or damage to the residents or passengers in the vicinity, prohibiting the use of loud speakers, the playing of music, the beating of drums, tomtoms or other instruments and the blowing or sounding of horns or other noisy instruments in or near streets or other public places;
- (xv) regulating the conduct of or behaviour or action of persons constituting assemblies and processions on or along the streets

and specifying in the case of processions, the routes by which the same may pass, in order to prevent annoyance, risk, danger or damage to the residents or people in the vicinity and prohibiting the carriage of explosives, arms, swords, knives, sticks or any instrument which may be capable of being used to harm the people, except in accordance with the permission of police;

- (xvi) prohibiting the hanging or placing of any cord or pole across a street or part thereof, or the making of a projection or structure so as to obstruct traffic or the free access of light and air;
- (xvii) prohibiting, except in accordance with such regulations, the placing of building materials or other articles or the fastening or detention of any horse or other animals in any street or public place;
- (xviii) regulating or, in order to prevent obstruction, inconvenience, annoyance, risk, danger or damage to the residents or passengers in the vicinity, prohibiting, —
 - (a) the illumination of streets and public places and the exterior of buildings abutting thereon by persons other than servants of Government or Corporation or other Municipal Officers duly authorised in that behalf,
 - (b) the blasting of rocks, crushing of rocks and stones or making excavations in or near street or public places,
 - (c) the using of loudspeaker in or near any public place or in any place of public entertainment,
 - (d) sounding of vehicle horns or generating of noise otherwise,
 - (e) disposal of debris, rubbles, rubbish, refuse, waste, unusable articles, etc.,
 - (f) sale, exposure and consumption of food and drinks by stationary or moving shops and carts for maintenance of hygiene and cleanliness by them,
 - (g) exhibition, display and sale of articles by hawkers and street vendors, and
 - (h) erection of gates, puja pandals, tents, shamianas in public places for celebration of functions, festivals or otherwise;
- (xix) closing certain streets or places temporarily, in cases of danger from ruinous buildings or other cause, with such exceptions as shall appear reasonable;

- (xx) guarding against injury to person and property in the construction, repair and demolition of buildings, platforms and other structures from which danger may arise to passengers, neighbours or the public;
- (xxi) prohibiting the setting of fire to or burning of any straw or other matter, or lighting a bonfire or wantonly discharging a fire-arms or air-gun, or letting off or throwing a firework or sending up a fire balloon or rocket in or upon a street or within fifty feet of a street or building or the putting up of any post or other thing on the side of or across a street for the purpose of affixing thereon lamps or other contrivances for illumination except in accordance with regulations in this behalf;
- (xxii) regulating the hours during which and the manner in which any place for the disposal of the dead, dharmasala, village, gate or other places of public resort may be used, so as to secure the equal and appropriate application of its advantages and accommodation and to maintain orderly conduct amongst those who resort thereto;
- (xxiii) (a) licensing or controlling places of public amusement or public entertainment;
- (b) prohibiting the keeping of places of public amusement or public entertainment or assembly, in order to prevent obstruction, inconvenience, annoyance, risk, danger or damage to the residents or passengers in the vicinity; and
- (c) regulating the means of entrance and exit at places of public amusement or public entertainment or assembly and providing for the maintenance of public order and the prevention of disturbance thereat;
- (xxiv) (a) licensing or controlling, in the interest of public order, decency or morality or, in the interest of general public (with such exceptions as may be specified in such regulations) musical, dancing, mimetic or theatrical or other performances for public amusement including melas;
- (b) regulating, in the interest of public order, decency or morality or, in the interest of general public, the employment of artists and the conduct of the artists and the audience at such performances;

- (c) prior scrutiny, by a Board, appointed by Government for the purpose (consisting of members being persons who, in the opinion of the Government, possess knowledge of, or experience in, literature, theatre and other matters relevant to such scrutiny), of such performances and of the scripts in respect thereof, if any, and granting of suitability certificate therefor subject to conditions, if any, provision for appeal against the order or decision of the Board to an appellate authority, its appointment or constitution, its procedure and other matters ancillary thereto and the fees (whether in the form of court fee stamps or otherwise) to be charged for the scrutiny of such performances or scripts, for applications for obtaining such certificates and for issuing duplicates thereof and in respect of such appeals, and the performances and the scripts, in respect of which suitability certificate has been granted by any other State or Union Territory, shall be exempted from purview of this provision;
- (d) regulating the hours during which and the places at which such performances may be given;
- (xxv) regulating or prohibiting the sale of any ticket or pass for admission, by whatever name called, to a place of public amusement;
- (xxvi) registration of eating houses including granting a certificate of registration in each case, which shall be deemed to be a written permission required and obtained under this Act for keeping the eating house, and renewal of such registration within a specified period :

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

(2) The Commissioner in an area under his charge may, from time to time, make regulations prohibiting the disposal of the dead, whether by cremation, burial or otherwise at places other than those set apart for such purpose and the regulations so made shall specify the places set apart for disposal of the dead of different communities or section of communities:

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

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

(3) The Commissioner may also make regulations prescribing the procedure in accordance with which any license or permission sought to be obtained or required under this Act shall be applied for and for fixing the fees to be charged for any such license or permission or renewal thereof.

Power to give directions to the public.

29. The Commissioner, and subject to his orders, every police officer not below the rank of an Inspector may, as occasion may demand, but not so as to contravene any regulation made under this Act or any law, rule or byelaw referred to in sub-section (4) of section 129, give all such orders, either orally or in writing, as may be necessary to,—

- (a) direct the conduct and behaviour or action of persons constituting processions or assemblies on or along streets;
- (b) specify the routes by which and the times at which any such processions may pass or shall not pass;
- (c) prevent obstructions, —
 - (i) on the occasions of all processions and assemblies,
 - (ii) in the neighbourhood of all places of worship during the time of worship, and
 - (iii) in all cases when any street or public place or place of public resort may be thronged or likely to be obstructed;
- (d) keep order on, and in, all streets, and at, and within, public bathing and washing places, fairs, temples, mosques, gurudwaras, churches and all other places of public resort or public worship;
- (e) regulate and control the playing of music, singing or the beating of drums, tomtoms and other instruments and the blowing or sounding horns or other noisy instruments in and near any street or public place;
- (f) regulate and control the use of loud speakers in residential areas, streets, near public places and places of public amusement or public entertainment; and

make reasonable orders consequential to, and in furtherance of, any orders made under this section.

Power to
prohibit
certain acts
to preven-
tion of
disorder

30. (1) The Commissioner may, in the area under his charge, whenever and for such time as he shall consider necessary for the preservation of public peace or public safety, by notification publicly promulgated or addressed to individuals, prohibit within such area or any part thereof,—

- (a) the carrying of arms, cudgels, swords, spears, bludgeons, guns, knives, sticks or lathis, or any other article which is capable of being used for causing physical violence;
- (b) the carrying of any corrosive substance or explosives;
- (c) the carrying, collection or preparation of stones or other missiles or instruments or means of casting or impelling missiles;
- (d) the exhibition of persons or corpses of persons or animals;
- (e) the public utterance of cries, singing of songs, or playing of music; and
- (f) the delivery of harangues, the use of gesture or mimetic representations, and the preparation, exhibition, distribution or dissemination of pictures, symbols, placards or any other object or subject which may, in the opinion of the Commissioner, offend against decency or morality or undermine the communal tranquillity or the security of the State.

(2) If any person goes armed with any such articles as is referred to in clause (a) of sub-section (1) or carries any corrosive substance or explosive or missile or instrument or prepares, exhibits, distributes, disseminates any object or subject in contravention of any prohibition under that sub-section, the article, corrosive substance, explosive, missile or object shall be liable to be seized from him by any police officer.

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

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

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

Police to provide against disorder, etc. at places of public amusement or public assembly or meeting.

31. (1) For the purpose of preventing serious disorder or breach of law or manifest and imminent danger to the persons assembled at any place of public amusement or at any assembly or meeting to which the public are invited or which is open to the public, any police officer of the rank of Assistant Sub-inspector and above, present at such place of public amusement, or such assembly or meeting, may, subject to such rules, regulations and orders as may have been lawfully made, give such reasonable directions as to the mode of admission of the public to, and for securing the peaceful and lawful conduct of the proceedings and the maintenance of public safety at, such place of amusement or assembly or meeting as he thinks necessary, and all persons shall be bound to conform to every such reasonable direction.

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

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

32. (1) If the Commissioner, for an area under his charge, is satisfied from the report of an officer-in-charge of a police station, or another information received by him, that it is necessary to do so in order to prevent annoyance, disturbance, discomfort or injury, or risk of annoyance, disturbance, discomfort or injury, to the public or to any person who dwells, or occupies property, in the vicinity, he may, by written order, issue such directions as he may consider necessary to any person for preventing, prohibiting, controlling or regulating,—

- (a) the event or its continuance in any street, open space or any other premises of, —
 - (i) any vocal or instrumental music,
 - (ii) sound caused by the playing, beating, clashing, blowing or use in any manner whatsoever of any instrument, appliance or apparatus or contrivance which is capable of producing or reproducing sound, or
 - (iii) use of loudspeaker or other apparatus for amplifying any musical or other sound at such pitch or volumes as may cause disturbance to others; or
- (b) the carrying on, in any premises, of any trade, avocation or operation resulting in or attended with noise:

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

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

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

33. (1) In order to prevent or suppress any riot or grave disturbance of peace, the Commissioner may temporarily close or take possession of any building or other place and may exclude all or any persons therefrom, or may allow access thereto to such persons only and on such terms as he shall deem expedient and all persons concerned shall be bound to conduct themselves in accordance with such orders as the Commissioner may make and notify in exercise of his powers under this section.

(2) If the lawful occupant of such building or place suffers any loss or injury by reason of the action taken under sub-section (1), he shall be entitled, on an application made therefor to the competent authority within one month from the date of such action, to receive reasonable compensation for such loss or injury, unless such action was in the opinion of such competent authority rendered necessary either by the use to which such building or place was put, or intended to be put, or by the misconduct of persons having access thereto.

(3) In the event of any dispute in relation to the amount of compensation payable under sub-section (2) or the person to whom such amount shall be payable, the matter shall be referred by the competent authority to the Collector of the district whose decision thereon shall be final.

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

(2) Every such order shall be published in the locality or place wherein it is to operate.

(3) Every order under sub-section (1) shall be subject to any judgment, decree, injunction or order made by a Court having jurisdiction, and shall be rescinded or altered on its being made to appear to the competent authority that such order is inconsistent with a judgment, decree, injunction or order of such Court.

Commissioner may take special measures to prevent outbreak of epidemic disease at fairs, etc.

35. (1) Whenever it shall appear to the Commissioner that any place in the area under his charge (being a place where on account of a pilgrimage, fair or other such occurrence, large bodies of persons have assembled or are likely to assemble) is visited or likely to be visited with an outbreak of any epidemic disease, he may, in consultation with the Municipal Corporation or Municipality or other local authority within the local limits of the jurisdiction whereof such place is situated, take such special measures and may, by a public notice, prescribe such regulations to be observed by residents of the said place and persons present thereat or repairing thereto or returning therefrom as he deems necessary to prevent the outbreak of such disease or the spread thereof.

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

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

36. (1) The Commissioner in an area under his charge may, by public notice, and in consultation with concerned public authorities, temporarily reserve for any public purpose any street or other public place and prohibit persons from entering the area so reserved, except on such conditions as may be specified by him.

(2) The Commissioner may, whenever in his opinion such action is necessary,—

- (a) authorise such police officer as he thinks fit to erect barriers on any street for the purpose of stopping temporarily vehicles driven on such street so as to satisfy himself that the provisions of any law for the time being in force have not been contravened in respect of any such vehicle or by the driver or the person in charge of such vehicle; and
- (b) make such orders as he deems fit for regulating the use of such barriers.

CHAPTER VI

SPECIAL MEASURES FOR MAINTENANCE OF
PUBLIC ORDER AND SECURITY

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

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

(3) If the person, upon whose application such additional police are employed, makes at any time a written requisition to the Commissioner for withdrawal of the said police such person shall be relieved from the cost thereof at the expiration of such period not exceeding one week from the date of delivery of such requisition as the Commissioner shall determine.

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

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

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

(2) On the issue of a notification under sub-section (1), the Government may require the Collector of the district or any other authority specified by the Government, to recover, whether in whole or in part, the cost of such additional

police generally from all persons, who are inhabitants of the "disturbed area" or specially from any particular section or class of such persons, and in such proportion as the Government may direct.

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

Explanation. — In this section and in section 40, the expression "inhabitants" when used in relation to any "disturbed area", includes persons who themselves or by their agents or servants occupy or hold land or other immovable property within such area, and landlords, who themselves or by their agents or servants, collect rent from holders or occupants of land in such area, notwithstanding that they do not actually reside therein.

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

39. (1) Whenever it appears to the Government or to the competent authority that—

- (a) any large work, which is being carried on, or any public amusement, which is being conducted, in any place within the area of a Commissionerate, is likely to impede the traffic or attract a large number of people; or
- (b) the behaviour or a reasonable apprehension of the behaviour of the persons employed on any railway, canal or other public work or in or upon any manufactory or other commercial concern under construction or in operation at any place within the area of a Commissionerate necessitates the employment of additional police at such place,

the Government or the competent authority, as the case may be, may deploy such number of additional police to the said place for so long as the necessity to employ the additional police shall appear to the Government or the competent authority to continue.

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

Compensation for injury caused by unlawful assembly how recoverable.

40. (1) When any loss or damage is caused to any property or when death results or grievous hurt is caused to any person or persons, by anything done in the prosecution of the common object of an unlawful assembly in an area of a Commissionerate, the Government may, by notification, specify the area (hereafter in this section called the "disturbed area") in which, and the date on which or the period during which, such unlawful assembly, in its opinion, took place.

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

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

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

41. In the event of any dispute relating to the cost payable under section 38 or section 39 or the compensation determined under section 40 or the person or persons or the Section or class of persons by whom or the proportion in which such cost or compensation should be paid, the matter shall be referred by Government or the authority nominated by the Government or the competent authority, as the case may be, on an application made in that behalf by the aggrieved party, to the Chief Judicial Magistrate, whose decision thereof shall be final.

42. Any amount payable under section 37, section 38, section 39 or section 40 shall be recovered in the same manner as if it were an arrear of land revenue.

43. (1) Amounts payable under section 37, section 38, section 39 or Section 40 shall, when recovered, be credited to the Government.

(2) The Government or any authority nominated by it shall pay, from the amount recovered by him as compensation payable under section 40, such amount as it deems just and proper by way of compensation to any person who has suffered loss or damage to property or grievous hurt or to the legal heirs of any person who died, by reason of anything done in the prosecution of the common object of the unlawful assembly.

(3) No compensation shall be paid under this section, except when a claim has been made therefor within forty-five days from the date of notification referred to in sub-section (1) of section 40 and the Government or any authority nominated by the Government is satisfied that the claimant, where the claim is by the person who suffered the loss, damage or grievous hurt, or the deceased,

Dispute in regard to cost of disputing additional police and compensation

Recovery of amount payable under sections 37 to 40.

Government or any nominated authority to award compensation

where the claim is by the legal heirs of such deceased, has been free from blame in connection with the occurrence which led to the loss, damage, grievous hurt or death.

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

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

Recovery of amounts payable under sections 38 and 40.

44. Without prejudice to the provisions contained in section 42, all amounts payable under section 38 or section 40 shall be recoverable in the manner provided in sections 421 and 422 of the Code of Criminal Procedure, 1973, as if each such amount were a fine imposed on any offender by a court.

Dispersal of gangs and bodies of persons.

45. Whenever it appears to the Commissioner that the movement or encampment of any gang or body of persons in any part of the area of the Commissionerate is causing or is calculated to cause danger to person or property or alarm or reasonable suspicion that unlawful designs are entertained by such gang or body of persons or by members thereof, the Commissioner may, by order addressed to the persons appearing to be leaders or chiefmen of such gang or body of persons and published by announcement or beat of drums or otherwise as the Commissioner thinks fit, direct the members of such gang or body of persons—

- (a) to so conduct themselves as shall seem necessary in order to prevent violence and alarm; or
- (b) to disperse and to remove themselves beyond the limits of the said area or any part thereof, within such time as the Commissioner shall specify and not to enter such area or the part thereof, as the case may be, from which they were directed to remove themselves.

Removal of persons about to commit offences.

46. Whenever it appears to the Commissioner—

- (a) that the movements or acts of any person are causing or are calculated to cause alarm, danger or harm to person or property; or
- (b) that there are reasonable grounds for believing that such person is engaged or is about to be engaged in the commission of an offence involving force or violence or an offence punishable under

Chapter XII, Chapter XVI, Chapter XVII or Chapter XXII of the Indian Penal Code, 1860 or under section 290 or under any of the sections 489-A to 489-E (both inclusive) of that Code or in the abetment of any such offence; or

- (c) that such person—
- (i) is so desperate and dangerous as to render his being at large in the area of the Commissionerate or in any part thereof hazardous to the community; or
 - (ii) has been found habitually intimidating other persons by acts of violence or by show of force; or
 - (iii) habitually commits affray or breach of peace or riot; or
 - (iv) habitually makes forcible collection of subscription or threatens people for illegal pecuniary gains for himself or for others; or
 - (v) has been habitually passing indecent remarks on women and girls, or teasing them by overtures,

and that, in the opinion of the Commissioner, witnesses are not willing to come forward to give evidence in public against such person by reason of apprehension on their part as regards the safety of their person or property, the Commissioner may, by order in writing duly served on such person, or by beat of drum or otherwise as he thinks fit, direct such person to so conduct himself as shall seem necessary in order to prevent alarm, harm and violence or to remove himself outside the area of the Commissionerate or any part thereof, by such route and within such time as the Commissioner may specify and not to enter or return to such area or part thereof, as the case may be, from which he was directed to remove himself.

Explanation.—A person, who during a period within one year immediately preceding the commencement of an action under this section has been found, on not less than three occasions, to have committed or to have been involved in any of the acts referred to in this section, shall be deemed to have habitually committed that act.

47. If a person has been convicted—

- (a) of an offence under Chapter XII, Chapter XVI or Chapter XVII of the Indian Penal Code, 1860 or under section 290 or under any of the sections 489-A to 489-E (both inclusive) of that Code or in the abetment of any such offence; or 45 of 1860.
- (b) of an offence under section 3 or section 4 of the Orissa Prevention of Gambling Act, 1955 or on two or more occasions under any other provisions of that Act; or Orissa Act
17 of 1955.

removal of
persons
convicted
of certain
offences.

- (c) of any offence under the Immoral Traffic (Prevention) Act, 1956; or
- (d) of any offence under section 25, section 26, section 27, section 28 or section 29 of the Arms Act, 1959; or
- (e) of any offence under section 135 of the Customs Act, 1962; or
- (f) of any offence under section 47 of the Bihar and Orissa Excise Act, 1915; or
- (g) on two or more occasions of an offence under—
 - (i) the Narcotic Drugs and Psychotropic Substances Act, 1985; or
 - (ii) the Drugs and Cosmetics Act, 1940; or
- (h) on three or more occasions of an offence under section 92 or 94 of this Act,

the Commissioner may, if he has reason to believe that such person is likely again to engage himself in the commission of any of the offences referred to in this section, by order in writing, direct such person to remove himself beyond the limits of the area of the Commissionerate or any part thereof, by such route and within such time as the Commissioner may specify and not to enter or return to the said area of Commissionerate or any part thereof, as the case may be, from which he was directed to remove himself.

Period of operation of orders under sections 45 to 47.

48. Any direction made under section 45, section 46 or section 47 not to enter the area of the Commissionerate or any part thereof, shall be for such period as may be specified therein, and shall in no case exceed a period of two years from the date on which it was made.

Hearing to be given before order under sections 45 to 47 are passed.

49. (1) Before an order under section 45, section 46 or section 47 is made against any person, the Commissioner shall by notice in writing inform him of the general nature of the material allegations against him and give him a reasonable opportunity of tendering an explanation regarding them.

(2) If such person makes an application for the examination of any witness to be produced by him, the Commissioner shall grant such application and examine such witness, unless, for reasons to be recorded in writing, the Commissioner is of opinion that such application is made for the purpose of causing vexation or delay.

(3) Any written explanation put in by such person shall be filed with the record of the case.

(4) Such person shall be entitled to be represented in the proceeding before the Commissioner by a counsel.

(5) (a) The Commissioner may, for the purpose of securing the attendance of any person against whom any order is proposed to be made under section 45, section 46 or section 47, require such person, by order in writing to appear before him and to furnish a security bond with or without sureties for attendance during the inquiry.

(b) The provisions of sections 119 to 124 (both inclusive) of the Code of Criminal Procedure, 1973 shall, so far as may be, apply in relation to order under clause (a) to furnish security bond. 2 of 1974.

(6) Without prejudice to the foregoing provisions, the Commissioner while issuing notice to any person under sub-section (1) may issue a warrant for his arrest and the provisions of Sections 70 to 89 (both inclusive) of the Code of Criminal Procedure, 1973 shall, so far as may be, apply in relation to such warrant. 2 of 1974.

(7) The Provisions of section 445, section 446, section 447 or section 448 of the Code of Criminal Procedure, 1973 shall, so far as may be, apply in relation to all bonds executed under this section. 2 of 1974.

(8) The Commissioner in this section shall include an officer, not below the rank of Additional Commissioner, authorised by the Commissioner for this purpose and the orders passed by him shall be deemed to have been passed by the Commissioner.

50. (1) Any person aggrieved by an order made under section 45, section 46 or section 47 may appeal to the Government within thirty days from the date of the service of such order on him.

(2) An appeal under this section shall be preferred in duplicate in the form of a memorandum, setting forth concisely the grounds of objection to the order appealed against, and shall be accompanied by that order or a certified copy thereof.

(3) On receipt of such appeal, the Government may, after giving a reasonable opportunity to the appellant to be heard either personally or by a counsel and after such further inquiry, if any, as it may deem necessary, confirm, vary or set aside the order appealed against :

Provided that the order appealed against shall remain in force pending the disposal of the appeal, unless the Government otherwise directs.

(4) The Government shall make every endeavour to dispose of an appeal under this section within a period of three months from the date of receipt of such appeal.

(5) In calculating the period of thirty days provided for an appeal under this section, the time taken for obtaining a certified copy of the order appealed against, shall be excluded.

Finality of order in certain cases.

51. An order passed by the Commissioner under section 45, section 46 or section 47 or by the Government under section 50 shall not be called in question in any Court except on the ground —

- (a) that the Commissioner or the Government, as the case may be, had not followed the procedure laid down in sub-section (1), sub-section (2), or sub-section (4) of section 49 or section 50, as the case may be; or
- (b) that there was no material before the Commissioner or the Government, as the case may be, upon which he or it could have based his order; or
- (c) in the case of an order made under section 46 or an order made on appeal therefrom to the Government under section 50, that the Commissioner or the Government, as the case may be, was not of the opinion that witnesses were unwilling to come forward to give evidence in public against the persons against whom such order has been made.

Procedure on failure of person to leave the area and his entry therein after removal.

52. If a person to whom a direction has been issued under section 45, section 46 or section 47 to remove himself from the area of the Commissionerate or any part thereof —

- (a) fails to remove himself as directed; or
- (b) having so removed himself enters the area of the Commissionerate or any part thereof within the period specified in the order, otherwise than with the permission in writing of the Commissioner under section 53,

the Commissioner may cause him to be arrested and removed in police custody to such place outside the said area or any part thereof as the Commissioner may in each case specify.

Temporary permission to enter and take possession of premises of persons of such permission.

53. (1) The Commissioner or any other police officer specially empowered by the Government in that behalf may, by order in writing, permit any person, in respect of whom an order under section 45, section 46 or Section 47 has been made, to return to the area of the Commissionerate or any part thereof, from which he was directed to remove himself, for such temporary period and subject to such conditions as may be specified in such order and may require him to execute a bond with or without surety for the due observance of the conditions imposed.

(2) The Commissioner may at any time revoke any such permission.

(3) Any person, who with such permission returns to the area of the Commissionerate or any part thereof, shall observe the conditions imposed, and at the expiry of the temporary period for which he was permitted to return, or on the revocation of such permission before the expiry of such period, shall remove himself outside the said area or any part thereof, as the case may be, and shall not return thereto within the unexpired portion of the period specified in the original order made under section 45, section 46 or section 47 without a fresh permission.

(4) If such person fails to observe any of the conditions imposed, or to remove himself accordingly or having so removed himself enters or returns to the said area or any part thereof, as the case may be, without fresh permission, the Commissioner may cause him to be arrested and removed in police custody to such place outside the Commissionerate or part thereof as the Commissioner may in each case specify.

Measurements and photographs of persons against whom order passed under sections 45 to 47.

54. Every person against whom an order has been made under section 45, section 46 or section 47, shall, if so required by the Commissioner, allow his measurements and photograph to be taken by a police officer in the prescribed manner.

Resistance to the taking of measurements, etc.

55. (1) If any person as aforesaid required to allow his measurements or photographs to be taken resists or refuses to allow the taking of such measurements or photographs, it shall be lawful to use all necessary means to secure the taking thereof.

(2) Resistance to or refusal to allow the taking of measurements or photographs under this Act shall be deemed to be an offence under section 186 of the Indian Penal Code, 1860.

45 of 1860.

(3) Where an order under section 45, section 46 or section 47 is made, and the order is made in appeal, all measurements and photographs (including negatives) taken under this section shall be destroyed or made over to the person against whom such order is made.

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

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

(2) Every general or special order made under sub-section (1) shall be published in the manner prescribed for the publication of a public notice under section 126.

Explanation. — For the purposes of this section a dress or an article of apparel shall be deemed to be worn or displayed in public, if it is worn or displayed in any place to which the public have access.

Constitution of Defence Societies.

57. (1) For the protection of persons, the security of property and the public safety in any locality, the Commissioner may constitute voluntary bodies (hereinafter in this section referred to as Defence Societies) in the manner prescribed.

(2) The Commissioner or any police officer so authorised by him may at any time call up any member of a Defence Society for training or to discharge any of the duties assigned under this Act to police.

(3) Every member of a Defence Society shall on being so called up receive a certificate of appointment in such form as may be specified or approved by the Government in this behalf.

CHAPTER VII

POWERS OF COMMISSIONER UNDER
OTHER ACTS

58. (1) The Government may, by notification, and subject to such conditions and limitations as may be specified therein, empower—

- (a) the Commissioner to exercise and perform in the area under his charge the powers and duties of an Executive Magistrate and of a District Magistrate under such of the provisions of the Code of Criminal Procedure, 1973 as may be specified in the notification;
- (b) any officer subordinate to the Commissioner, not below the rank of an Assistant Commissioner, to exercise and perform in relation to such areas of the Commissionerate as may be specified in the notification, the powers and duties of an Executive Magistrate under such of the provisions of the said Code as may be specified in the notification.

2 of 1974.

(2) Every officer subordinate to the Commissioner shall, in the exercise and performance of any powers and duties which he is empowered to exercise or perform under clause (b) of sub-section (1), be subject to the general control of the Commissioner in the same manner and to the same extent as an Executive Magistrate appointed under section 20 of the said Code would be subject to the general control of the District Magistrate appointed under that section.

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

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

Powers of
Commissioner
under
other Acts.

59. (1) The Government may, by notification, and subject to such conditions and limitations as may be specified therein, empower—

- (a) the Commissioner to exercise and perform in the area under his charge the powers and duties of a District Magistrate under such of the provisions of the Acts specified in the schedule including rules made thereunder as may be specified in the notification, and
- (b) any officer subordinate to the Commissioner, not below the rank of an Assistant Commissioner, to exercise and perform in relation to such areas of the Commissionerate as may be specified in the notification, the powers and duties of a District Magistrate or of an Executive Magistrate under such of the provisions of the Acts including rules made thereunder, referred to in clause (a), as may be specified in the notification.

(2) Every officer subordinate to the Commissioner shall, in the exercise and performance of any powers and duties which he is empowered to exercise or perform under clause (b) of sub-section (1), be subject to the general control of the Commissioner.

Laying of
notifications
under
sections 58
and 59.

60. Every notification made by the Government under section 58 or 59 shall be laid, as soon as it is made, before the State Legislature while it is in session for a total period of fourteen days which may be comprised in one session or two or more successive sessions and if, during the said period the State Legislature makes any modification therein or does not agree to the making of such notification, the notification shall, thereafter, have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that notification.

CHAPTER VIII

POWERS IN RELATION TO UNCLAIMED PROPERTY

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

- (a) of all unclaimed property found by, or made over to, him; and
- (b) of all property found lying in any public street, if the owner or person in charge of such property, on being directed to remove the same, refuses or fails to do so.

(2) The police officer taking charge of the property under sub-section (1) shall furnish an inventory thereof to the Commissioner.

62. (1) Where any property has been taken charge of under sub-section (1) of section 61, the Commissioner shall issue a proclamation specifying the articles of which such property consists and requiring that any person who may have a claim thereto shall appear before him or some other officer whom he authorises in his behalf and establish his claim within six months from the date of such proclamation.

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

(3) Where any person, who has a claim to the property, is required by the proclamation under sub-section (1) to appear before the other officer authorised by the Commissioner in that behalf and establish his claim, such officer shall forward the record of the proceedings before him with his finding thereon to the Commissioner.

63. (1) The Commissioner may, on being satisfied of the title of any claimant to the possession or administration of the property specified in the proclamation issued under sub-section (1) of section 62, order the same to be delivered to him, after deduction or payment of the expenses incurred in the seizure and detention thereof.

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

64. (1) If no person establishes his claim to such property within the period specified in the proclamation, the property, or such part thereof as has not already been sold under sub-section (2) of section 62 may be sold by auction under the orders of the Commissioner and the proceeds thereof shall be credited to the Government.

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

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

CHAPTER IX

OFFENCES AND PUNISHMENTS

Disregard-
ing the rules
of the road.

65. No person shall —

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

Causing
obstruction
or mischief
by animal.

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

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

Exposing
animal for
hire, sale,
etc.

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

Causing any
obstruction
in a street.

68. No person shall cause obstruction in any street, pavement or public place—

- (a) by allowing any animal or vehicle, which has to be loaded or unloaded, or to take up or set down passengers, to remain standing in the street or the public place longer than that may be necessary for such purpose; or
- (b) by leaving any vehicle standing or fastening any cattle in any street, pavement or the public place; or
- (c) by using any part of a street, pavement or public place as a halting place for vehicles or cattle; or

- (d) by leaving any box, bale, package or other things whatsoever in or upon a street or pavement for an unreasonable length of time or contrary to any regulation; or
- (e) by exposing anything for sale or setting out anything for sale in or upon any stall, booth, board, cask, basket or in any other way whatsoever.

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

70. No person shall, in contravention of any regulation made by the Commissioner,—

- (a) exhibit any mimetic, musical or other performances of such a nature as may attract crowds; or
- (b) carry or place bulky advertisements, hoardings, pictures, figures or emblems in any street, pavement or public place,

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

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

72. No person shall, in any street or public place —

- (a) negligently let loose any horse or other animal, so as to cause danger, injury, alarm or annoyance; or
- (b) suffer a ferocious dog to be at large without a muzzle; or
- (c) set on or urge a dog or other animal to attack, worry or put in fear any person or horse or other animal.

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

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

Obstructing bathers. 75. No person shall obstruct or incommode a person bathing at a place set apart for the purpose by the order of the competent authority by wilful intrusion or by using such place for any purpose for which it is not so set apart.

Behaving indecently in public. 76. No person shall wilfully and indecently expose his person in any street or public place or place of public resort or within sight of, and in such manner as to be seen from, any street or public place or place of public resort, whether from within any house or building or not, or use indecent language or behave indecently or riotously or in a disorderly manner in a street or public place or place of public resort or in any office, police station or station house.

Obstructing or annoying passengers in the street. 77. No person shall wilfully push, press, hustle or obstruct any passenger in a street or public place or by violent movements, menacing gestures, wantonly personal annoyance, screaming, shouting, wilfully frightening any animal or otherwise disturb the public peace or order.

Misbehaviour with intent to provoke a breach of the peace. 78. No person shall use in any street or public place any threatening, abusive or insulting words or behaviour with intent to provoke breach of peace or whereby a breach of peace may be occasioned.

Prohibition against flying kites, playing on the street etc. 79. No person shall fly a kite or any other thing or play on the street so as to cause or apprehension to cause danger, injury or alarm to persons, animals or property.

Committing nuisance in or near street, etc. 80. No person shall, in or near to any street, public place or place of public resort, —

- (a) commit a nuisance by easing himself; or
- (b) having the care or custody of any child under seven years of age, suffer such child to commit a nuisance as aforesaid; or
- (c) spit or throw any dust, ashes, refuse or rubbish so as to cause annoyance to any passer-by.

Drunkenness in a street, etc. 81. No person shall be so drunk as to be incapable of taking care of himself in a street or place of public resort.

Affixing notice, etc, upon public property without consent of authority. 82. No person shall, without the consent of the Government or the public authority concerned, affix or cause to be affixed any bill, notice or other paper upon any light pole, tree, letter box, transformer, street, wall or any other property belonging to Government or any public authority or write upon, deface or mark on or cause to be written upon, defaced or marked on, any such light pole, tree, letter box, transformer, street, wall or other property.

83. No person shall, in any court, police station, police office or building occupied by Government or building occupied by any local body, smoke or spit in contravention of a notice by the competent authority in charge of such place, displayed in such court, police station, police office or building.

84. Any person, who contravenes any of the provisions of Sections 65 to 83 (both inclusive), shall, on conviction, be punished with fine which may extend to one thousand rupees, or, in default of payment of such fine, with imprisonment for a term not exceeding thirty days.

85. (1) Whoever allows any cattle, which are his property or in his charge, to stray in any street or to trespass upon any public or private property, shall on conviction be punished—

- (a) for the first offence, with imprisonment for a term which may extend to one month or with fine which may extend to one thousand rupees, or with both; and
- (b) for the second or subsequent offence, with imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both.

(2) The Magistrate trying an offence under sub-section (1) may order that the accused shall pay such compensation not exceeding one thousand rupees as such Magistrate considers reasonable, to any person for any damage proved to have been caused to his property or the produce of his land by the cattle under the control of the accused trespassing on his land.

(3) Any compensation awarded under sub-section (2) may be recovered in the manner provided in sections 421 and 422 of the Code of Criminal Procedure, 1973, as if it were a fine imposed on any offender by a court. 2 of 1974.

(4) It shall be the duty of every police officer and it shall be lawful for any other person to seize and take to any cattle pound for confinement therein any cattle found straying in any street or trespassing upon any private or public property.

(5) Any fine imposed under this section may, without prejudice to any other means of recovery provided by law, be recovered by sale of all or any of cattle in respect of which the offence was committed, whether they are the property of the person convicted of the offence or were only in his charge when the offence was committed.

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

Punishment for cruelty to animals.

86. Whoever in any place cruelly beats, goads, overworks, ill-treats, tortures or causes or procures to be cruelly beaten, goaded, overworked, treated or tortured, any animal shall, on conviction, be punished with imprisonment which may extend to thirty days, or with fine which may extend to one thousand rupees, or with both.

Wilful trespass.

87. Whoever without satisfactory excuse wilfully enters or remains in or upon any dwelling house or premises or land or ground attached thereto, or on any ground, building, monument or structure belonging to Government or used for public purposes, or on any vehicle, shall, on conviction, whether he causes any actual damage or not, be punished with imprisonment which may extend to fifteen days or with fine which may extend to five hundred rupees, or with both.

False alarm of bomb or fire or damage to fire brigade.

88. Whoever knowingly gives or causes to be given a false alarm of bomb placed somewhere to police or any public authority by telephone or other means whatsoever or of fire to the fire brigade of the Government or of a municipality or to any officer or fireman thereof, whether by means of a street fire alarm, statement, message or otherwise, or with intent to give such false alarm wilfully breaks the glass of, or otherwise damages, a street or building fire alarm shall, on conviction, be punished with imprisonment for a term which may extend to one month or with fine which may extend to one thousand rupees, or with both.

Being found under suspicious circumstances between sunset and sunrise.

89. Whoever is found between sunset and sunrise—

- (a) armed with any dangerous instrument with intent to commit an offence; or
- (b) in any dwelling house or other building or on any vehicle without being able satisfactorily to account for his presence there; or
- (c) lying or loitering in any street, yard or other place, being a reputed thief according to records of police and without being able to give a satisfactory account of himself; or
- (d) having in his possession without lawful excuse (the burden of proving which excuse shall be on such person) any implement of house-breaking ;

shall, on conviction, be punished with imprisonment for a term which may extend to three months.

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

91. Whoever being a pawn-broker, dealer in second hand property, or worker in metals, or reasonably believed by the Commissioner to be such a person, and having received from a police officer written or printed information in relation to any property suspected to have been transferred by any offence mentioned in section 410 of the Indian Penal Code, 1860 or any offence punishable under section 417, section 418, section 419 or section 420 of the said Code, is found in possession or, after the receipt of such information, comes into possession or has an offer, either by way of sale, pawn, exchange, or for custody, alteration or otherwise, howsoever made to him, of property answering the description contained in such information, shall, unless—

- (i) he forthwith gives information to the Commissioner or at a police station of such possession or offers and takes all reasonable means to ascertain and to give information as aforesaid of the name and address of the person from whom the possession or offer was received; or
- (ii) the property, being an article of common wearing apparel or otherwise, is incapable of identification from the written or printed information given and has been in no way concealed after the receipt of such information,

on conviction, be punished with fine which may extend to five hundred rupees in respect of each such article of property so in his possession or offered to him.

92. Whoever having received such information as is referred to in section 91 alters, melts, defaces or puts away or causes or suffers to be altered, melted, defaced or put away, without the previous permission of the police, any such property as is referred to in that Section shall, on proof that the same was stolen property within the meaning of Section 410 of the Indian Penal Code, 1860 or property in respect of which any offence punishable under section 417, section 418, section 419 or section 420 of the said Code has been committed, be punished with imprisonment for a term which may extend to three years or with fine, or with both.

Taking
pledge from
child.

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

Suffering
disorderly
conduct at
places of
public
amusement,
etc.

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

Cheating at
games and
gambling in
street.

95. (1) Whoever by any fraud or unlawful device or malpractice in playing at or with cards, dice or other game or in taking part in the stakes or wagers or in betting on the sides or hands of the players, or in wagering on the event of any game, sports, pastime or exercise, wins from any other person, for himself or any other or others any sum of money or valuable thing, shall be deemed to have committed the offence of cheating within the meaning of section 415 of the Indian Penal Code, 1860 and be liable to punishment accordingly.

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

Penalty for
contraven-
ing regula-
tions, etc.
under
section 28.

96. Except as provided in sections 98 and 100, whoever contravenes, or abets the contravention of, any regulation made under section 28 or any of the conditions of a licence issued under such regulation shall, on conviction, be punished -

- (a) if the regulation was made under clause (i) or sub-clause (e), (f), (g) or (h) of clause (xviii) of sub-section (1) of section 28—
 - (i) for the first offence, with imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both, and
 - (ii) for any subsequent offence, with imprisonment for a term which may extend to six months and with fine which may extend to one thousand rupees;
- (b) if the regulation was made under clause (iii), (vii), (viii) or (ix), sub-clause (a) or (b) of clause (xviii) or clause (xxi) of sub-section (1) of section 28, with imprisonment for a term which may extend to seven days, or with fine which may extend to five hundred rupees, or with both;

- (c) if the regulation was made under clause (xiv) or (xv) of sub-section (1) of section 28, with fine which may extend to five hundred rupees; and
- (d) if the regulation was made under any clause of sub-section (1) of section 28 and for the contravention of which no penalty is provided under clauses (a), (b) or (c) of this section, with fine which may extend to five hundred rupees.

97. The holder of a licence granted under this Act in respect of a place of public amusement or public entertainment shall be responsible, as well as, the actual offender, for any offence referred in section 96 committed by his servants or other agents acting with his expressed or implied permission on his behalf, as if he himself had committed the same, unless he establishes that all due and reasonable precautions were taken by him to prevent the commission of such offence.

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

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

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

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

99. (1) Whoever contravenes, disobeys, opposes or fails to conform to any order given by a police officer under Section 29 shall, on conviction, be punished with fine which may extend to five hundred rupees.

(2) Whoever contravenes a notification or an order made under section 30, section 32, section 33 or section 34 or abets the contravention thereof, shall, on conviction, be punished—

- (a) if the said notification or order was made under sub-section (1) of section 30 or under Section 33 or section 34, with imprisonment for a term which shall not be less than four months but which may extend to one year, and shall also be liable to fine:

Provided that the Court may, for adequate and sufficient reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term less than four months;

- (b) if the said order was made under sub-section (2) of section 31, with imprisonment for a term which may extend to one month or with fine which may extend to one thousand rupees, or with both;
- (c) if the said notification was made under sub-section (3) of section 31, with fine which may extend to one thousand rupees; or
- (d) if the said order was made under section 32, with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both.

(3) Whoever opposes or fails to conform to any direction given by a police officer under section 31 shall, on conviction, be punished with fine which may extend to five hundred rupees.

Penalty for contravention of regulations, etc. made under sections 28 (2), 35 and 36.

100. Whoever contravenes, or abets the contravention of, any regulation, notice or order made under sub-section (2) of section 28, section 35, section 36 shall, on conviction, be punished with imprisonment which may extend to three months, or with fine which may extend to two thousand rupees or with both.

Penalty for contravention of directions under sections 45, 46 and 47.

101. Whoever opposes or fails to conform to any direction issued under section 45, section 46 or section 47 or abets the opposition to, or the failure to conform to, any such direction shall, on conviction, be punished with imprisonment which shall not be less than four months but which may extend to one year and shall also be liable to fine:

Provided that the Court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term less than four months.

Penalty for entering without permission area from which a person is directed to remove himself or overstaying.

102. Without prejudice to the power to arrest and remove a person in the circumstances, and in the manner provided in Section 52, any person who—

- (a) in contravention of a direction issued to him under Section 45, section 46 or section 47 enters or returns without permission to the area of the Commissionerate or any part thereof, as the case may be, from which he was directed to remove himself; or
- (b) enters or returns to the area of the Commissionerate or any part thereof with permission granted under sub-section (1) of section 53 but fails, contrary to the provisions thereof, to remove himself outside such area at the expiry of the temporary period

for which he was permitted to enter or return or on the earlier revocation of such permission, or having removed himself at the expiry of such temporary period or on revocation of the permission, enters or returns thereafter, without fresh permission,

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

Provided that the Court may, for adequate and special reasons to be mentioned in the judgement, impose a sentence of imprisonment for a term of less than six months.

103. Whoever contravenes any order made under section 56 shall, on conviction, be punished with imprisonment for a term which may extend to three years, or with fine, or with both.

104. Whoever opposes or fails to forthwith comply with any reasonable requisition made by a police officer under clause (b) of sub-section (1) of section 19, or abets the opposition thereto or failure to comply therewith, shall, on conviction, be punished with imprisonment for a term which shall not be less than four months but which may extend to one year and shall also be liable to fine :

Provided that the Court may, for adequate and special reasons to be mentioned in the judgement, impose a sentence of imprisonment for a term of less than four months.

105. Whoever opposes or fails to conform to any direction given by any police officer under Section 23, or abets the opposition or failure to conform to such direction, shall, on conviction, be punished with fine which may extend to five hundred rupees.

106. (1) No person shall, without the previous permission of the Commissioner and except in accordance with any conditions subject to which such permission is granted, hold or give in any place which is likely to cause an assembly of persons, any performance in which or during which he buries himself underground or seals himself in any room or receptacle or other thing, in such manner as to prevent all access of air to him and for such time as could ordinarily result in death by suffocation.

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

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

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

107. Any police officer working in a Commissionerate, who —

- (i) is guilty of cowardice ; or
- (ii) being a police officer of subordinate rank, resigns his office or withdraws himself from duties thereof in contravention of section 27; or
- (iii) is guilty of any wilful breach or neglect of any provision of any law or of any rule or regulation or any order which he is bound to observe or obey; or
- (iv) is guilty of any violation of duty for which no punishment is expressly provided by any other law in force; or
- (v) being in a state of intoxication while on duty;
- (vi) is malingering or feigning or voluntarily causing hurt to himself with the intention to render himself unfit for the service; or
- (vii) being grossly insubordinate to his superior officers or using criminal force against any superior officer; or
- (viii) engages himself or participates in any demonstration, procession or strike or resort to or in any way abets any form of strike or coercion or physical duress to force any authority to concede anything.

shall, without prejudice to disciplinary action that may be taken against him on conviction, be punished with imprisonment for a term which may extend to one year, or with fine which may extend to five hundred rupees, or with both.

Explanation.—A police officer who being absent on leave fails, without reasonable cause, to report himself for duty on the expiration of such leave shall, for the purpose of clause (ii), be deemed to withdraw himself from the duties of his office within the meaning of section 27.

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

108. Any police officer working in a Commissionerate, who —

- (a) without lawful authority or reasonable cause enters or causes to be entered or searched, any building, vessel, tent or place; or
- (b) vexatiously and unnecessarily seizes the property of any person; or
- (c) vexatiously and unnecessarily detains, searches or arrests any person; or
- (d) offers any unnecessary personal violence to any person in his custody; or

(e) holds out any threat or promise not warranted by law,

shall, for every such offence, on conviction, be punished with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

109. Any police officer working in a Commissionerate, who vexatiously and unnecessarily delays the forwarding of any person arrested to a Magistrate or to any other authority to whom he is legally bound to forward such person, shall, on conviction, be punished with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

110. If any person not being police officer wears, without the permission of an officer authorised by the Government in this behalf by general or special order, the uniform of a police officer or any dress having the appearance or bearing any of the distinctive marks of that uniform, he shall, on conviction, be punished with fine which may extend to two thousand rupees.

111. (1) No Court shall take cognizance of any offence under this Act when the accused person or any one of the accused persons is a police officer, except on a report in writing of the facts constituting such offence by, or with the previous sanction of, an officer authorised by the Government in this behalf.

(2) No Court below that of a Magistrate of the first class shall try any offence under this Act when the accused person or any one of the accused persons is a police officer.

112. (1) The Commissioner may, by notification, make regulations to provide that no person in the area under his charge, other than a member of the armed forces of the Union or of the Central Police Organisations while acting as such or a police officer, shall go armed with any sword, spear, bludgeon, gun or other offensive weapon or with any explosive or corrosive substance in any street or public place unless so authorised by such authority as may be specified in such regulations.

(2) Any regulation made under sub-section (1) may provide that any police officer may seize any weapon, firearm or other substance carried in contravention of such regulation, and the weapon or firearm or other substance so seized shall be forfeited to the Government, unless redeemed within two months by payment of such fine, not exceeding one thousand rupees, as the Commissioner may impose.

113. Subject to the provisions contained in section 300 of the Code of Criminal Procedure, 1973, nothing in this Act shall be construed to prevent any person from being prosecuted and punished under any other law for anything made punishable by this Act or from being prosecuted and punished under this Act for anything made punishable under any other law.

2 of 1974.

Prosecution for certain offences against this Act to be in the discretion of police.

114. It shall not, except in obedience to a rule, regulation or order made by the Government or by the Commissioner, be incumbent on the police to prosecute for an offence punishable under section 84, section 91, sub-section (1) of section 99, Section 100 or Section 105 when such offence has not occasioned serious mischief and has been promptly desisted from on a warning being given.

Power to compound certain offences.

115. An offence punishable under section 84 or under section 96 may be compounded, if the offender pays on the spot or at a designated place on demand by a police officer of such rank as the Government may specify, by notification, such amount as may be prescribed.

Summary disposal of certain cases.

116. (1) A Court taking cognizance of an offence punishable under section 84, or under section 96 may state upon the summons to be served on the accused person that he may, by a specified date prior to the hearing of the charge, plead guilty to the charge by registered letter and remit to the Court such sum not exceeding one thousand rupees in the case of an offence punishable under section 84 and in other cases the amount not exceeding the maximum of fine prescribed for the offence in section 96, as the Court may specify.

(2) Where an accused person pleads guilty and remits the sum specified in the summons under sub-section (1), no further proceedings in respect of the offence shall be taken against him.

Offence by companies.

117. (1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge, and was responsible to the company for the conduct of the business of the company, as well as, the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished, accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

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

Explanation. — For the purposes of this section, —

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

CHAPTER-X
MISCELLANEOUS

118. All fees paid for licences or permissions granted under this Act, and all sums paid for the service of processes by police officers and all rewards, forfeitures and penalties or shares thereof, which are by law payable to police officers as informers shall, save in so far as any such fees or sums belong under the provisions of any enactment for the time being in force to any local authority, be credited to the Government:

Provided that with the sanction of Government or under any rule made by the Government in that behalf, the whole or any portion of any such reward, forfeiture or penalty may, for special services, be paid to a police officer or be divided amongst two or more police officers.

119. Any order or notification published or issued by the Government or the Commissioner or any other authority or police officer under any of the provisions of this Act, the due publication or issue thereof may be proved by production of a copy thereof published in the Gazette, or of a copy thereof signed by an officer of the Government authorised for the purpose in that behalf or by the Commissioner or the other authority or police officer, as the case may be, and by him certified to be a true copy of an original published or issued according to the provisions of this Act applicable thereto.

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

121. Whenever in consequence of the office of the Commissioner, or any other police officer becoming vacant, any officer holds charge of the post of such Commissioner or other police officer or succeeds, either temporarily or permanently, to his office, such officer shall be competent to exercise all the powers and perform all the duties respectively conferred and imposed by or under this Act on the Commissioner or such other police officer, as the case may be.

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

122. No police officer shall be liable to any penalty or to payment of damages on account of an act done in good faith in pursuance of or purporting to be done in pursuance of any duty imposed or any authority conferred on him by any provision of this Act or any other law for the time being in force or any rule, regulation, order or direction made or given thereunder.

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

123. No public servant or person duly appointed or authorised shall be liable to any penalty or to payment of any damages for giving effect in good faith to—

- (a) any order or direction issued with apparent authority by the Government or by a person empowered in that behalf under this Act; or
- (b) any rule or regulation made under this Act.

Explanation. — In this section, the expression "public servant" has the meaning assigned to it in section 21 of the Indian Penal Code, 1860.

Bar to suits and prosecutions.

124. (1) In any case of alleged offence by a police officer or other person or of a wrong alleged to have been done by such police officer or other person by any act done while acting or purporting to act in the discharge of his official duty or authority, or wherein, it shall appear to the Court that the offence was committed or done was of the character aforesaid, the prosecution suit shall not be entertained and, if entertained, shall be dismissed, if it is instituted more than three months after the date of the act complained of:

Provided that any such prosecution against a police officer or other person may be entertained by the Court, if instituted with previous sanction of the Government, within one year from the date of the offence.

(2) In the case of an intended suit on account of such a wrong as aforesaid, the person intending to sue shall be bound to give to the alleged wrongdoer not less than one month's notice of the intended suit with sufficient description of the wrong complained of, failing which such suit shall be dismissed.

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

Licences and written permission to specify conditions, etc. and to be signed.

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

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

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

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

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

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

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

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

129. (1) All the regulations made under this Act shall be made with the previous sanction of the Government.

(2) The Government may, on its own or on being moved by the Director-General of Police or the Commissioner, amend any regulation so made as deemed fit by it.

(3) All such regulations and the amendments thereto shall be deemed to be the rules for the purpose of section 24-A of the Orissa General Clauses Act, 1937 and shall be published in the Gazette, and every such regulation and amendment made thereto shall also be published in the locality affected by their operations affixing copies thereof in conspicuous places near to the building, structure, work or place, as the case may be, to which the regulation specifically relates or by proclaiming the same by the beating of drum or by advertising the same in the local newspapers or by any two or more of the above means.

Provided that any such regulation and amendments therein may be made without publication in the Gazette, if the Government is satisfied that special circumstances exist which render it necessary that such regulation or amendment, as the case may be, should be brought into force at once.

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

Power to make rules.

130. The Government may, by notification, make rules for carrying out the purposes of this Act.

Persons interested may seek to annul, reverse or alter any rule, regulation or order.

131. (1) In the case of any rule, regulation or order made or sanctioned by the Government under an authority conferred by this Act and requiring any public or a particular class of persons to perform some duty or act, or to conduct or order themselves or those under their control in a manner therein described, it shall be competent for any person interested to apply to the Government to annul, reverse or alter the rule, regulation or order a memorial given to the Secretary to the Government to annul, reverse or alter the rule, regulation or order aforesaid on the ground of its being unlawful, oppressive or unreasonable.

(2) After such an application as aforesaid and the rejection thereof wholly or in part or after the lapse of four months without an answer to such application or a decision thereon published by the Government, it shall be competent for the person interested, deeming the rule, regulation or order to be contrary to law, to institute a suit against the Government for a declaration that the rule, regulation or order is unlawful either wholly or in part.

(3) The decision in a suit instituted under sub-section (2) shall be subject to appeal, and a rule or order finally adjudged to be unlawful shall by the Government be annulled or reversed or so altered as to make it conformable to law.

Power to remove difficulties.

132. (1) If any difficulty arises in giving effect to the provisions of this Act in consequence of the transition to the said provisions from the provisions of any earlier enactments, the Government may, by notification, make such provisions as appear to it to be necessary or expedient for removing the difficulty :

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

(2) Every notification issued under this section shall, as soon as made, be after it is issued, be laid before the State Legislature.

SCHEDULE

(See Section 59)

PART I

Central Acts

1. The Stage Carriages Act, 1861 (16 of 1861)
2. The Sarai's Act, 1867 (22 of 1867)
3. The Cattle Trespass Act, 1871 (1 of 1871)
4. The Dramatic Performance Act, 1876 (19 of 1876)
5. The Explosive Act, 1884 (4 of 1884)
6. The Indian Telegraph Act, 1885 (13 of 1885)
7. The Prisons Act, 1894 (9 of 1894)
8. The Indian Criminal Law Amendment Act, 1908 (14 of 1908)
9. The Prevention of Seditious Meetings Act, 1911 (10 of 1911)
10. The Poisons Act, 1919 (12 of 1919)
11. The Identification of Prisoners Act, 1920 (33 of 1920)
12. The Official Secrets Act, 1923 (19 of 1923)
13. The Petroleum Act, 1934 (30 of 1934)
14. The Foreigners Act, 1946 (31 of 1946)
15. The Cinematograph Act, 1952 (37 of 1952)
16. The Immoral Traffic (Prevention) Act, 1956 (104 of 1956)
17. The Probation of Offenders Act, 1958 (20 of 1958)
18. The Arms Act, 1959 (54 of 1959)
19. The Unlawful Activities (Prevention) Act, 1967 (37 of 1967)
20. The Prevention of Black Marketing & Maintenance of Supplies of Essential Commodities Act, 1980 (7 of 1980)
21. The National Security Act, 1980 (65 of 1980)

PART II

State Acts

1. The Bihar and Orissa Excise Act, 1915 (Bihar and Orissa Act 2 of 1915)
2. The Orissa Special Armed Police Act, 1946 (Orissa Act 7 of 1946)
3. The Orissa Restriction of Habitual Offenders Act, 1952 (Orissa Act 24 of 1952).
4. The Orissa Prevention of Gambling Act, 1954 (Orissa Act 17 of 1955)
5. The Orissa Fireworks and Loudspeakers (Regulation) Act, 1958 (Orissa Act 30 of 1958).
6. The Orissa Freedom of Religion Act, 1967 (Orissa Act 2 of 1968).