

THE POLICE BILL

Preamble

A Bill to consolidate and enact a new law for the regulation of the Punjab Police.

WHEREAS the Police in democratic set up has a paramount obligation and duty to function according to the requirements of the Constitution, law and the democratic aspirations of the people;

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

AND WHEREAS it is expedient to redefine the police role, duties and responsibilities; to provide appropriate powers to meet the present day challenges to internal security meaningfully and effectively by making the Police highly motivated, professionally skilled, and trained Police force.

It is hereby enacted as follows:-

POLICE ACT

CHAPTER I

PRELIMINARY

Short title,
extent and
commencement.

1. (1) This Act may be called the Punjab Police Act 2003.
(2) It extends to the whole of the State of Punjab.
(3) It shall come into force on such date as the Government may, by notification in the official Gazette, specify in this behalf.

Definitions

2. In this Act, unless the context otherwise requires :-
(b) 'cattle' includes elephants, camels, horses, asses, mules, sheep, goats and swine.
(c) '*Competent authority*' or Prescribed authority when used with reference to the exercise of any power or discharge of any duty under the provisions of the Act, means.

- (i) in relation to areas for which a Commissioner of Police is appointed under section 8, the Commissioner or the Additional Commissioner, Joint Commissioner or Deputy Commissioner when specially empowered in this behalf by the State Government.
 - (ii) in relation to the areas other than those referred to in clause (i) the Superintendent or any other police officer specially empowered in that behalf by the State Government.
- (e) 'corporation' means a municipal corporation constituted under the Punjab Municipal Act.
- (f) Director General, Additional Director General, Inspector General, Commissioner, Deputy Inspector General, Additional Commissioner, Joint Commissioner, Deputy Commissioner, Assistant Commissioner, Superintendent, Assistant Superintendent and Deputy Superintendent means officers of Police of respective ranks including Director Police Wireless appointed or deemed to be appointed under this Act.
- (g) 'district' means the territorial area declared under section 9 to be a district.
- (h) '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, but does not include a place of public entertainment;
- (i) 'Municipality' means a municipality established under any law for the time being in force in or any part of the State but does not include a municipal corporation.
- (j) 'place' includes --
- (i) Any building, tent, booth or other erection, whether permanent or temporary; and
 - (ii) any area, whether enclosed or open.
- (k) 'Place of public amusement' means any place where music, singing, dancing or game or any other amusement diversion, or recreation or the means of 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, theater, music hall, billiard or bagatelle room, gymnasium, fencing school, swimming pool or dancing hall, pool room and bowling alley;
- (l) 'Place of public entertainment' means a lodging house, boarding and lodging house or residential hotel, and includes any eating house in which any kind of liquor or intoxicating drug is supplied (such as an

- ahata, a wine shop, a beer shop or a spirit, arrack, toddy, ganja, bhang or opium shop to the public for consumption in or near such place;
- (m) 'Public place' means any place to which the public have access, whether as of right or not, and includes.
- (i) a public building and monument and precincts thereof; and
- (ii) any place accessible to the public for drawing water, washing or bathing or for purposes of recreation;
- (n) 'Public nuisance' means any act or illegal omission which causes any common injury, danger or annoyance to the public or to the people in general who dwell or occupy property in the vicinity, or which must necessarily cause injury, obstruction, danger, or annoyance to persons who may have occasion to use any public right.
- (o) Punjab Police ' or ' Police Force' means the police force referred to in section 3 and includes:
- all persons appointed as special police officers under sub-section (1) of section 21 and additional police officers under section 23 and 24.
- all other persons by whatever name known, who exercise any police function in any part of the State of Punjab;
- (p) 'Police officer' means any member of the Punjab Police; prescribed means prescribed by rules;
- (q) 'Regulations' means regulations made under this Act; 'rules' means rules made under this Act;
- (r) 'street' includes any highway, bridge, way over a causeway, fly over, viaduct or arch or any road, lane, footway, square, court, alley or passage accessible to the public, whether or not it is a throughfare;
- (s) subordinate ranks' means members of the police force of and below the rank of the Inspector;
- (t) 'Vehicle' means any carriage, cart, van, dray, truck, handcart or other conveyance or any conveyance of any description and includes a bicycle, tricycle, a rickshaw, a motor vehicle, a boat, a vessel or an areoplane.

CHAPTER II ORGANISATION OF THE POLICE FORCE

- One police force for the state
3. There shall be one Police force for the State, the administration of which shall vest in the Director General of Police appointed under section 5 of this Act. All members of the police force shall be liable for posting to any wing of the force including the Armed Police Battalions.
- Constitution of Police Force
4. Subject to the provisions of this act: -
- (a) the police force shall consist of such numbers in the several ranks and have such organisation and such powers, functions and duties as the

State Government may by general or special order determine;

- (b) the recruitment to and the pay, allowances and all other conditions of service of police force shall be such as may from time to time be determined by the State Government by general or special order;

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

Director/Addl.
Director
General /Inspr.
General &
Deputy Insp.
General.

- 5.(1) For the Direction and supervision of Police Force, the State Government shall, in the manner prescribed, appoint a Director General of Police who shall exercise such powers and perform such functions and duties and shall have such responsibilities and such authority as may be provided by or under this Act or Rules made thereunder.

- (2) (a) The State Government may appoint one or more Additional Director General, one or more Inspector General at the headquarters and at zonal level and Deputy Inspectors General of police at the headquarters and range level.

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

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

- (c) The State Government may also by a general or special order direct that an Additional Director General of Police, one or more Inspector General and one or more Deputy Inspector General shall assist and aid the Director General in the performance, exercise and discharge of his powers, functions, duties and responsibilities and authority in such manner and to such extent as may be specified in the order.

Appointment of
Director of
prosecution

6. The State Government shall appoint a Director of Prosecution to assist and aid the Director General of Police.

Terms of office
of Director
General of
Police.

7. The term of office of Director General of police appointed under the Act shall be three years from the date of his appointment.

Provided that the Director General of Police may be removed by the State Government from his post before the expiry of the tenure period, with the approval of the Commission or when the removal is consequent on:-

- (i) a punishment of dismissal/removal/ compulsory retirement from service or reduction to a lower post, awarded under the provisions of

All India Service (Discipline and Appeal) Rules;or

- (ii) suspension ordered under the provision of the above said Rules; or
- (iii) retirement from service on superannuation in the normal course;or
- (iv) Promotion to the higher ranking post either under the State Government or the Central Government provided the officer had given his consent to the posting on promotion.

Commissioner of Police, Additional Commissioner, Joint Commissioner and Deputy Commissioner of police.

8. (1) The State Government may appoint a Police Officer of the appropriate rank to be Commissioner of police for any area comprising a city or town specified in a notification issued by the State Government in this behalf and published in the official Gazette.
- (2) The State Government may also appoint one or more police officers of the appropriate rank as Additional Commissioner, Joint Commissioner or Deputy Commissioner of Police for the areas specified in clause (1).
- (3) 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 rules made thereunder.
Provided that any of the powers, functions, duties, responsibilities and authority exercised or to be performed or discharged by the Commissioner shall be exercised, performed or discharged subject to the control of the Director General of Police.
- (4) The State Government may, by general or special order, empower Additional Commissioner of Police, Joint Commissioner of Police and Deputy Commissioner of Police to exercise and perform in the areas for which a Commissioner is appointed under sub-section (1) all or any of the powers, functions or duties to be exercised or performed by a Commissioner under this Act or under any law for the time being in force.

Appointment of Superintendent/ Assistant/Deputy Superintendents

9. (1) The State Government may by notification declare that as from such date as may be specified in the notification, any area in the State shall be a district for the purposes of this Act.
- (2) The State Government may appoint for each District one or more Superintendents/Assistant and Deputy Superintendent of police and subordinate ranks as it may think expedient.
Provided that any of the powers, functions, duties, responsibilities and authority exercised or to be performed or discharged by the Superintendent shall be exercised, performed or discharged through the Deputy Inspector General Range and Inspector General Zone concerned subject to the general control of Director General.
- (3) The State Government may, by a general or special order, empower a Superintendent to exercise and perform in the district for which he is appointed or in any part thereof, all or any of the powers, functions or duties to be exercised or performed by a Superintendent under this Act or under any law for the time being in force.

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

Administration
of district

10. The administration of the Police throughout a district, or part thereof shall be vested in the Superintendent of Police appointed under section 9 except in areas specified u/s 8 where it shall vest in Commissioner of Police.

Co-ordination
in District
Administration

11. (1) For the purpose of efficiency in the general administration of the district it shall be lawful for the District Magistrate to coordinate functioning of the police with other agencies of the district administration in respect of the following :-
- (a) in matter relating to the promotion of land reforms and settlement of land disputes;
 - (b) in matters relating to the extensive disturbance of the public peace and tranquility in the district;
 - (c) in matters relating to the conduct of elections to any public body;
 - (d) in matters relating to the handling of natural calamities, and the rehabilitation of the persons affected thereby;
 - (e) in matters relating to situations arising out of any external aggression;
 - (f) in any similar matter, not within the purview of any one department and affecting the general welfare of the people of the district;
- (2) For the purpose of such coordination, the District Magistrate may
- (a) call for information of a general or special nature, as and when required, from the police and any other agency connected with the general administration of the district;
 - (b) call for a report regarding the steps taken by the police or other agency to deal with the situation; and
 - (c) give such directions in respect of the matter, as are considered necessary by him to the police and the concerned agency.
- (3) The Superintendent of police or the head of the agency mentioned in sub-section (2) above, shall render assistance to the authority specified in sub-section (1) for the purpose of coordination, as specified above.

Explanation:

For the purpose of this section, coordination means to combine or Integrate harmoniously.

Appointment of
Additional
Director General
/Inspector

12. The State Government may appoint for the whole of the State.
- (i) One Additional Director General of Police/Inspector General as Incharge wireless & computer;

General and Director of Police Wireless and of Superintendent and Deputy Superintendent for wireless system, motor transport system or any specific duty.

- (ii) Deputy Inspector General of Police as Director of Police Computer & Wireless for Police Wireless System hereinafter referred to as the Director of police Wireless and
- (iii) One or more Superintendent of Police and Deputy Superintendent of Police as it thinks fit for the following wings:-

- (a) Police Wireless and Communication System;
- (b) Police Transport system; or
- (b) Police Computer System.

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

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

Organisation of common services.

13. The State Government may provide towards the provision or maintenance of forensic science laboratories and such other Organisation and services as it may consider necessary or expedient for promoting efficiency of the Police.

Organisation of Research.

14. The State Government may set up such bodies in the Police department and take such other steps as appear to be necessary or expedient for the purpose of undertaking research into matters affecting the efficiency of the police and its modernization.

Appointment of Director, Joint Director and Deputy Directors Punjab Police Academy and, Principal of Police Training School..

15. (1) The Director General of Police may appoint any Police Officer not below the rank of Inspector General to be the Director of the Punjab Police Academy established by it. The Director will be assisted by one Joint Director and Deputy Directors of appropriate rank to be appointed by the Director General of Police. The Director General of Police may assign to the Director such powers, functions and duties as he may think fit. The Director may delegate any of the powers, functions and duties to the aforesaid Joint Director and Deputy Directors. The Director General of Police may appoint such number of Assistant/Deputy Superintendents of Police and subordinate ranks to run the Administration of the Police Academy as deemed fit.
- (2) The Director General of Police may appoint a Police Officer not below the rank of Superintendent of Police to be the Principal of any Police

Training School established by it. The Director General of Police may assign to each Principal so appointed such powers, duties and functions as deemed fit.

Assistant commissioners with in jurisdiction of commissioners

16. (1) The State Government may appoint for any area for which a Commissioner of Police has been appointed under section 8 such number of Assistant Commissioners of Police of the rank of Assistant/Deputy Superintendent of Police as it may think expedient.
- (2) An Assistant Commissioner appointed under sub-section (1) shall exercise such powers (except the power to make regulations) and perform such duties and functions as can be exercised or performed under the provision of this Act or any other law for the time being in force or as are assigned to him by the Commissioner under the general or special orders of the State Government.

Constitution of Police Districts, Police Sub-divisions and Police Stations, Zones and Ranges.

17. (1) Subject to the control of State Government, the Director General of Police shall,
- (a) constitute within Commissionerate system, police districts;
 - (b) divide such police districts into police sub-divisions and specify the police stations comprised in each such sub-division; and
 - (c) define the limits and extent of such police districts, police sub-divisions and police stations.
- (2) Each police district shall be under the charge of a Deputy Commissioner of police, each police sub-division under the charge of an Assistant Commissioner of police and each police station shall be under the charge of an officer not below the rank of a sub-inspector of police.
- (3) Subject to Control of State Government; the Director General may constitute Police Ranges and Police Zones within the Punjab Police.

Appointment of Subordinate ranks and oath of affirmation by members of police force.

18. (1) The Commissioner for the area for which he is appointed and Deputy Inspector General of Police for other areas shall appoint Inspectors.
- (2) The Deputy Commissioner for the area for which he is appointed and the Superintendent of Police for the other areas shall appoint subordinate ranks other than Inspectors.
- (3) Every member of the police force enrolled under this Act shall, on appointment, make and subscribe before the appointing authority as the case may be or some person appointed in that behalf by him, an oath or affirmation according to the form set out for the purpose in Schedule I.

Certificate for

19. (1) Every police officer of the grade of Inspector or below, shall on

appointment.

appointment receive a certificate with his photograph affixed on it in form provided in schedule II. The certificate shall be issued under the seal of such officer as the State Government may by general or special order direct. The certificate shall be surrendered on retirement, dismissal or removal from service or suspension from service to appointing authority.

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

Appointment of
Railway Police

20. (1) The State Government may by notification in the Official Gazette, create one or more special police districts embracing such railway Police ranges in the State as it may specify and appoint an Insp. General or above, Deputy Inspector General, Superintendents of Police and such number of Assistant/Deputy Superintendents of Police and such others Police Officers for each such special district as it may think fit.
- (2) Subject to the control of the Director General, such police officers shall discharge police functions connected with the administration of railway police situated within their respective charges, and such other functions as he may from time to time assign to them.
- (3) Any member of the said police force whom the State Government shall generally or specially empower to act under this sub-section may, subject to any orders which that Government may make in this behalf, exercise within the special district or any part thereof any of the powers of an officer-in-charge of a police station in that district, and when so exercising such powers shall, subject to any such order as aforesaid, be deemed to be an officer-in-charge of the police station discharging the functions of such officer within the limits of his station.
- (4) Subject to any general or special orders which the state Government may make in this behalf, such police officers shall, in the discharge of their functions, be vested within every part of the State with the powers and privileges and be subject to the liabilities of police officers under this Act or any other law for the time being in force.

CHAPTER III SPECIAL POLICE OFFICERS AND ADDITIONAL POLICE FORCE ETC.

Special Police
Officers.

21. (1) The Commissioner or the Superintendent of Police and any other officer appointed by the Director General of Police may at any time

by written order signed by himself under his own seal appoint any able-bodied person, whom he considers fit to be a Special Police Officer to assist the Police Force.

- (2) Every Special Police Officer so appointed shall, on appointment: -
 - (a) receive a certificate in a form prescribed in schedule II in this behalf.
 - (b) have the same powers, privileges and immunities and be liable to the same duties and responsibilities and be subject to the same authority as an ordinary Police Officer.
- (3) Every Punjab Home Guards volunteer when deployed for the assistance of Punjab Police shall enjoy the same powers, privileges, and immunities and be liable to the same duties and responsibilities and be subject to the same authorities as an ordinary Police Officer.
- (4) If any person being appointed a special police officer as aforesaid, without sufficient excuse, neglects or refuses to serve as such or to obey such lawful order or direction as may be given to him for the performance of his duties, he shall be liable upon conviction before a Magistrate to fine not less than five hundred rupees for such neglect, refusal or disobedience.

Appointments of technocrats in communication and wireless, motor transport and computers

22. The Director General of Police may appoint civilian technocrats having prescribed qualifications as per rules in wireless and communication, motor transport and computer wings of police department.

Additional police employed at cost of individuals

23. (1) The Commissioner or Superintendent of Police, as the case may be, if he thinks fit, may on the application of any person, depute any number of additional police force to keep peace, to preserve order, to enforce any of the provisions of this Act or of any other law or to perform any other duties imposed on the police, at any place in the area under his charge.
- (2) Such additional police may be deployed at any large work which is being carried on, or any public amusement which is being conducted in any place and is likely to impede the traffic or necessitates the maintenance of order.
- (3) Such additional police shall be deployed at the cost of the person or organization making the application, but shall be exclusively under the orders of the police authorities and shall be employed for such period as the commissioner or Superintendent considers necessary.
- (4) The Director General Police shall make regulations in this regard.

Quartering of

24. (1) It shall be lawful for the State Government, by proclamation to be

additional police
in disturbed or
dangerous areas.

- notified in the official gazette, and such other manner as the State Government shall direct, to declare that any area subject to its authority has been found to be in a disturbed or dangerous state or that, from the conduct of the inhabitants of such area or of any class or section of them, it is expedient to increase the number of police.
- (2) It shall, thereupon, be lawful for the Director General, with the sanction of the State Government to employ police force in addition to the ordinary fixed complement to be quartered in the areas specified in such proclamation as aforesaid.
 - (3) If the State Government so desires, the cost of such additional police force may be borne by the inhabitants (whether they reside there permanently or not but hold immovable property in that area) of such area described in the proclamation.
 - (4) The Director General shall make rules in this regard.

CHAPTER IV THE STATE SECURITY COMMISSION

Establishment
and constitution
of the State
Security
commission

25. (1) The State Government, may, as soon as may be, by notification in the official Gazette, establish a commission to be called the State Security commission for the purpose of exercising such functions and discharging such duties as may be assigned to the commission by or under this Act.
- (2) The Commission may consist of the following members, namely:-
 - (i) The Minister in-charge of Police, who shall be the chairman, ex-officio;
 - (ii) Two members of the State legislature one from the ruling party and another from the opposition parties preferably leader of the opposition party, to be nominated by the State Government :
 - (iii) Four members to be nominated by the chief Minister of the State in consultation with the State Legislature, as far as possible one each from among retired judges of the High Court, retired Government servants who had functioned in senior positions in the Government while in service, social scientists or academicians of public standing and eminence.
 - (iv) in case of President's rule, the Advisor to Governor will act as chairman and members of legislature shall cease to be members.
- (3) The Director General of Police, ex-officio, shall be the secretary of the Commission.
- (4) The names of the members nominated to the commission shall be notified by the State Government in the Official Gazette and the nomination shall take effect from the date of such notification.
- (5) Every member nominated under clauses (ii) and (iii) of sub-section (2) above, shall unless their seats become vacant earlier by

resignation, death or otherwise, hold office for a period of three years from the date on which the nomination of such member is notified and shall be eligible for re-nomination.

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|---|--|
| Administration of Police Force | 26. The Administration of the police force throughout the state shall vest in the State Government and shall be exercised through its commission constituted under this Act. |
| Functions of the Commission | 27. The functions of the commission shall mean matters relating to :
(i) laying down broad policy guidelines and directions for the performance of preventive tasks and service oriented functions by the police;
(ii) evaluation of the performance of the State Police;
(iii) functioning as a forum of appeal for disposing of representations from any police officer of the rank of superintendent of Police and above regarding his being subjected to illegal or irregular orders in the performance of his duties;
(iv) functioning as a forum of appeal for disposing of representations from police officers regarding promotions to the rank of superintendent of Police and above; and
(v) redressal of grievances of public against police officers. |
| Vacancies not to invalidate acts. | 28. The functions of the commission may be exercised notwithstanding any vacancy therein. However, the presence of a minimum of 4 members shall be necessary to constitute the quorum. |
| Removal from office of member | 29. The State Government may, at any time, for sufficient cause, remove from office any member of the commission after giving him a reasonable opportunity of showing cause against proposed removal. |
| Fees and other allowances payable to members of the commission. | 30. The fees and other allowances payable to members for the attendance at meeting of the Commission or of any committee thereof shall be such as may be specified by the State government by regulations made in consultation with the Commission. |
| Disqualifications | 31. No person shall be eligible to be a member of the Commission or any Committee appointed by Commission thereof who --
(a) is of unsound mind and stands so declared by a competent court; or
(b) is or has been convicted of a criminal offence. |
| Vacation of seats of members. | 32. (1) If a member of the commission --
(a) becomes subject to any disqualifications specified in Section 31 ; or
(b) in the case of member nominated under clause (ii) of sub-section (2) |

of section 25, ceases to be member of the State legislature, his seat shall thereupon fall vacant; or

- (c) in the case of member nominated under sub-clause (iii) of sub-section (2) of section 25, joins a political party after being appointed to the commission his seat shall thereupon fall vacant.
- (2) If any question arises as to whether a member of the commission has become subject to any disqualification specified in Section 31, the question shall be referred for the decision of the chairman of the commission and his decision shall be final :
Provided that before giving decision on any such question, the chairman of the commission shall give the member concerned a reasonable opportunity of being heard.
- (3) If a member of the commission, is absent without sufficient cause for more than three consecutive meetings thereof, the State Government, with the recommendation of the Commission, may remove such member from the membership of the Commission:
Provided that no member shall be removed under the provisions of this sub-section except after giving him a sufficient opportunity of showing cause against such removal.
- (4) Any member of the commission, may resign his office by giving notice, in writing of his intention so to do, to the authority which nominated him, and on such resignation being accepted he shall be deemed to have vacated his office.

Procedure for Commission

33. The Commission may form rules and regulate its own procedure and the conduct of the business to be transacted by it.

Expenses of the Commission

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

Annual Report of the Commission

- 35. (1) The Commission, shall within 3 months after the end of each year submit to the State Government annual report on the performance of the Police in the State and the work done by the Commission.
- (2) The State Government shall, as soon as may be possible but not later than 3 months after the receipt of such report (unless the legislature is not in Session) cause such report to be laid before the legislature of the State.

Power to make regulations.

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

Powers of the State

37. Notwithstanding anything contained in section 26 the State government may in any emergency directly issue a policy directive or guidelines in

Government

regard to a specific situation but such direction or guidelines, shall as soon as possible, be brought before the Commission for ratification and be subject to such modifications as the Commission might decide.

**CHAPTER V
ROLE-DUTIES, POWERS AND RESPONSIBILITIES OF
THE POLICE**

Duties and responsibilities of Police.

38. It shall be the duty of Police to:
- (i) promote and preserve public order ;
 - (ii) collect intelligence affecting national integrity and security and public peace and crimes in general including social and economic offences.
 - (iii) prevent the commission of offences and public nuisances;
 - (iv) detect, investigate and bring offenders before the court of law.
 - (v) apprehend, where appropriate, all persons whom it is legally authorized to apprehend ;
 - (vi) prevent wanton destruction of any property by violence, if necessary by use of force;
 - (vii) protect individuals who are in danger of physical harm; if necessary by use of force;
 - (viii) prevent such conduct in public places as is likely to prove to be dangerous to the persons indulging in such acts or others;
 - (ix) While taking a person into custody to ensure that he is not denied his rights and privileges and in particular ensuring that an arrested person in custody is able to inform a person of his choice the fact of his detention;
 - (x) counsel and resolve conflicts, and promote amity;
 - (xi) arrange for legally admissible sustenance and shelter for every person in custody;
 - (xii) obey any lawful order given by any superior officer in relation to any employment in connection with services declared as essential services by the State Government or Government of India; and
 - (xiii) perform such other duties as may be enjoined on them by the laws for the time being in force.

Duties of Police officers in public places

39. It shall be the duty of a police officer to;
- (i) facilitate orderly movement of people and vehicles;
 - (ii) regulate and control the traffic in the streets, and obstructions therein;
 - (iii) to prevent the contravention of any rule, regulation or order made under this Act or any other law in force;
 - (iv) keep order in the streets and at public places including places of public worship; and
 - (v) regulate the public at all places of public resort;

Duties of Police officers towards community.

40. It shall be the duty of every Police officer to-

- (1) (a) behave courteously with all members of the public and while dealing with women and children act with strict regard to decency and reasonable gentleness;
- (b) afford every assistance within his power to disabled or helpless persons in the streets, and to take charge of intoxicated persons and of lunatics at large who appear dangerous or incapable of taking care of themselves;
- (c) ensure public friendly image of the force and refrain from causing avoidable inconvenience to the members of the public in the discharge of his duties;
- (d) create community awareness and sensitization about drug abuse and its consequences;
- (e) inform the poor people in custody of the legal aid schemes;
- (f) facilitate immediate medical aid to victims of road accidents, and inform their families about the accident;
- (g) advise the victims of road accidents about their rights and privileges and assist accident victims or their heir or their dependents with such information and documents so as to facilitate the compensation claims;
- (h) prevent harassment of women, children, and weaker sections in public places; and
- (i) assist in preventing the poor and destitute persons from exploitation by any organised group.

(2.) The Director General of Police shall frame rules for the implementation of community policing and for the establishment and working of Community Policing Resources Centres.

Duties of police officers to enforce provisions of the Act.

41 (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 provision of this Act or rule, regulation or order made thereunder ;
 - (b) require any person acting or about to act contrary to any provision of this Act or rule, regulation or order made thereunder, to desist from so doing ;
 - (c) arrest any person contravening any provision of this Act or any rule, regulation or order made thereunder, where such contravention is an offence punishable under this Act ; and
- (2) seize any object used, or about to be used, in contravening, or in contravention of the provisions of this Act, or any rule, regulation or order made thereunder, where such contravention is an offence punishable under this Act.

Power to enter

42. Subject to the provisions of this Act and the rules, regulations and orders

places of public resort.

made thereunder, every police officer may for the purpose of discharging any of the duties referred to in sections 38 to 40, enter without a warrant and inspect any place of public resort which he has reason to believe is used as a place for the storing, sale or consumption of intoxicating drinks or narcotics or a place for resort of suspicious and undesirable elements.

Power to search suspected persons in streets etc.

43. 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 if the account given by the possessor be manifestly false or suspicious, may detain such article, after giving a receipt in the prescribed form and report the facts to a magistrate, having jurisdiction in the case who shall thereupon proceed according to the provisions of sections 457, 458 and 459 of the code of Criminal procedure, 1973.

Superior police officer may himself perform duties imposed on a subordinate officer.

44. 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.

Persons bound to comply with the reasonable directions of police officer

45. (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 VI RULES, REGULATIONS, CONTROL AND DISCIPLINE OF THE POLICE FORCE

Powers to make Rules and Regulations.

46. (1) Subject to the orders of the State Government, the Director general, may make rules or orders not inconsistent with this Act or with any other enactment for the time being in force –

- (a) for the prevention, detection and investigation of crime;
 - (b) for the maintenance of law and order;
 - (c) regulating the inspection of the police force by his subordinates;
 - (d) determining the description and quantity of arms-accoutrements, clothing and other necessaries to be furnished to the police;
 - (e) prescribing the places of residence of members of the Police force;
 - (f) for the institution, management and regulation of any police fund for any purpose connected with police administration;
 - (g) regulating the distribution, movements and location of the police;
 - (h) assigning duties to police 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;
 - (i) regulating the collection and communication by the police of intelligence and information;
 - (j) prescribing the books and registers to be maintained and the returns to be submitted by police officers; and
 - (k) generally, for the purpose of rendering the police efficient and preventing abuse or neglect of their duties.
- (2) Every rule made under this section, after approval of the state government shall be published in the official gazette by way of notification.

Disciplinary penalties

47. (1) Subject to the provisions of Article 311 of the Constitution and the rules, all officers of and above the rank of superintendent of police may, in accordance with the procedure prescribed under rules, award to any police officer of subordinate ranks any of the following punishments, namely -
- (a) dismissal;
 - (b) removal from service;
 - (c) reduction in rank;
 - (d) forfeiture of approved service;
 - (e) reduction in pay;
 - (f) withholding of increments; and
 - (g) withholding of promotion.
- (2) Subject to the rules -
- (a) any police officer specified in sub-section (1) may award the punishment of reprimand or censure to any police officer of subordinate rank;
 - (b) any police officer of and above the rank of Inspector may award punishment drill, extra guard, fatigue or other punitive duty, not

exceeding fifteen days with or without confinement to quarter guard to constables and head constables.

- (3) Nothing in sub-section (1) or sub-section (2) shall affect any police officer's liability for prosecution and punishment for any offence committed by him.

Suspension

48. (1) All police officers of or above the rank of superintendent of police or of equivalent rank may place a police officer of subordinate rank under suspension –
- (a) where a disciplinary proceeding against him is contemplated or is pending; or
 - (b) where in the opinion of the authority aforesaid he has engaged himself in activities prejudicial to the interest or the security of the State; or
 - (c) where a case against him in respect of any criminal offence is under investigation, inquiry or trial and in the opinion of the authority aforesaid there is a prima facie case.
- (2) An order of suspension made under this section shall continue to remain in force until it is modified or revoked by the authority competent to do so.
- (3) Where a police officer is suspended (whether in connection with any disciplinary proceeding or otherwise) and any other disciplinary proceeding is commenced against him during the continuance of that suspension, the authority competent to place him under suspension may, for reasons to be recorded by him in writing, direct that the police officer shall continue to be under suspension until the termination of all or any such proceedings.
- (4) An order of suspension made may at any time be modified or revoked by the authority which made the order or by any authority to which that authority is subordinate.

Police officers always on duty not to resign without leave or notice

49. (1) Every police officer not on leave or under suspension, shall, for all purposes of this Act, be considered to be always on duty subject to reasonable rest and recuperation and may at any time be deployed for duty in any part of the state or in exceptional circumstances in any part of the country under orders of the State Government.
- (2) No police officer shall resign his office or withdraw himself from the duties unless allowed to do so in writing by the competent authority.

Explanation:-

A police officer who being absent on leave, fails without reasonable cause to report himself for duty on the expiration of such leave shall be deemed within the meaning of sub-section (2) to withdraw from the duties of his office.

- Police officers not 50. No police officer shall engage in any employment or office whatsoever

to engage
in other
employment.

other than his duties under this Act, unless expressly permitted to do so in writing by the Director General of Police.

CHAPTER VII POLICE REGULATIONS

Power to
make
regulations
for regulating
traffic and for
preservation
of order in
public place
etc.

51. (1) The Commissioner or Superintendent, as the case may be, with respect to any of the matters specified in this sub-section, in areas under their respective charges or any part thereof, may by notification in the official gazette make regulations to provide for all or any of the following matters, namely
- (a) regulating traffic of all kinds in streets and other public places, and the use of streets and other public places by persons riding, driving, cycling, walking or leading or accompanying cattle, so as to prevent danger, obstruction or inconvenience to the public;
 - (b) regulating the conditions under which vehicles may remain standing in streets and other public places, and the use of streets as halting places for vehicles or cattle;
 - (c) specifying the number and position of lights to be used on vehicles in streets and the hours between which such lights should be used;
 - (d) licensing, controlling or prohibiting the erection, 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;
 - (e) specifying certain hours of the day during which cattle shall not be driven, or as the case may be, driven only in accordance with such regulations, along the street, or along certain specified streets;
 - (f) regulating the leading, driving, conducting or conveying of any elephant or wild or dangerous animal through or in any street;
 - (g) regulating and controlling the manner and mode of conveying timber, scaffold poles, ladders, iron girders, beams or bars, boilers or other unwieldy articles through the streets, and the route and hours for such conveyance;
 - (h) licensing, controlling or in order to prevent obstruction, inconvenience, annoyance, risk, danger or damage to the residents or passengers in the vicinity, prohibiting the carrying in streets and public places of gunpowder or any other explosive substance;
 - (i) prohibiting except along certain specified streets and during

- specified hours and subject to such conditions as may be specified in that behalf, the exposure or movements in any street of persons or animals suffering from contagious or infectious diseases, the carcasses of animals or parts of such carcasses or corpses of persons deceased;
- (j) specifying certain hours of the day during which ordure or offensive matter or objects shall not be taken from or into houses or buildings in certain streets or conveyed through such streets except in accordance with such regulations;
 - (k) setting apart places for slaughtering animals, the cleaning of carcasses or hides, the deposit of noxious or offensive matter and for obeying calls of nature;
 - (l) in cases 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;
 - (m) directing the closing or disuse, wholly or for certain purposes, or limiting to certain purposes only, the use of any source, supply or receptacle of water and providing against pollution of the same or of the water therein;
 - (n) licensing, controlling or in order to prevent obstruction, inconvenience, annoyance, risk, danger or damage to the residents or passengers in the vicinity, prohibiting the playing of music, the beating of drums, tom-toms or other instruments and the blowing or sounding of horns or other noisy instrument or in near streets or other public places;
 - (o) regulating the conduct of or behaviour or action of persons constituting assemblies and processions on or along the streets and specifying in the case of processions, the routes by which, the order in which, and the times at which, the same may pass;
 - (p) prohibiting the hanging or placing of any cord or pole across a street or part thereof, or the making of a projection of structure so as to obstruct traffic or the free access of light and air;
 - (q) prohibiting, except in accordance with such regulations, the placing of building material or other articles or the fastening or detention of any horse or other animals in any street or public place;
 - (r) licensing, controlling or, in order to prevent obstruction, inconvenience, annoyance, risk danger or damage to the residents or passengers in the vicinity, prohibiting;
 - (i) the illumination of streets and public places and the exteriors of building abutting thereon by persons other than servants of

- Government or corporation or other Municipal Officers duly authorised in that behalf;
- (ii) the blasting of rock or making excavations in or near streets or public places;
 - (iii) the using of a loudspeaker in or near any public place or in any place of public entertainment;
 - (s) closing certain streets or places temporarily in cases of danger from ruinous buildings or other cause, with such exceptions as shall appear reasonable;
 - (t) guarding against injury to person and property in the construction, repair and demolition of buildings, platforms and other structures from which danger may arise to passengers, neighbours or the public;
 - (u) prohibiting the setting of fire to or burning of any straw, garbage, fallen tree leaves or other matter, or lighting a bonfire or wantonly discharging a fire-arm or air-gun, or letting off or throwing a fire-work or, sending up a fire balloon or rocket in or upon a street or within fifty feet of a street or building or the putting up of any post or other thing on the side of or across a street for the purpose of affixing thereto lamps or other contrivances for illumination except in accordance with regulations in this behalf;
 - (v) regulating the hours during which and the manner in which any place for the disposal of the dead, any dharmshala, village-gate or other place of public resort may be used, so as to secure the equal and appropriate application of its advantage and accommodation and to maintain orderly conduct amongst those who resort thereto;
 - (w) (i) Licensing or controlling places of public amusement or public entertainment.
 - (ii) prohibiting the keeping of places of public amusement or public entertainment or assembly in order to prevent obstruction, inconvenience, annoyance, risk, danger or damage to the residents or passengers in the vicinity; and
 - (iii) regulating the means of entrance and exit at places of public amusement or public entertainment or assembly and providing for the maintenance of public order and the prevention of disturbance there at;
 - (x) (i) licensing or controlling in the interest of public order, decency or morality or in the interest of the general public (with such exceptions as may be specified in such regulations), musical, dancing, mimetic or theatrical or other performances for public amusement, including melas;
 - (ii) regulating in the interest of public order, decency or morality or in the interest of the general public, the employment of the artistes and the conduct of the artistes and audience at such performance;

(iii) prior scrutiny of such performance and of the scripts in respect thereof, if any, and granting of suitability certificate therefor subject to conditions, if any, by a Board appointed by the State Government for the purpose, either for the whole of the State or for the area concerned or by an Advisory committee constituted by the Director General of Police (the members of the Board or the Advisory committee being persons who in the opinion of the State Government, or as the case may be the Director General of Police, possess knowledge of, or experience in literature, the theatre and other matters relevant to such scrutiny), provision for appeal against the order or decision of the Board or the Advisory Committee to an appellate authority, its appointment or constitution, its procedure and other matters ancillary thereto, and the fees (whether in the form of court-fee stamps or otherwise) to be charged for the scrutiny of such performances or scripts, for applications for obtaining such certificates and for issuing duplicates thereof and in respect of such appeals and any such performances and of the scripts in respect thereof granted suitability certificate by any state shall be exempted from this section

(iv) regulating the hours during which and the places at which such performances may be given;

- (y) regulating or prohibiting the sale of any ticket or pass for admission, by whatever name called, to a place of public amusement;
- (z) registration of eating houses, including granting a certificate of registration in each case, which shall be deemed to be a written permission required and obtained under this Act for keeping the eating house, and annual renewal of such registration within a specified period;
- (za) prescribing the procedure in accordance with which any license or permission sought to be obtained or required under this Act should be applied for and fixing the fees to be charged for any such license or permission.

Provided that nothing in this section and no license or certificate or 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 license, permit, pass or authorization is required under any existing law.

- (2) If any regulation made under this section relates to any matter with respect to which there is a provision in any law, rule or bye-law of the corporation or of any 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,

Regulation of assemblies in public places

52. In areas under their respective charges, the Commissioner or Superintendent of Police and subject to his orders, every Police Officer not below the rank of a Sub Inspector, may from time to time as occasion may arise but not so as to contravene any Regulation made under Section 51 give such order either orally or in writing as may be necessary to;
- (a) direct the conduct of, 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 occasion of all processions and assemblies;
 - (ii) in the neighborhood of all places of worship during the time of worship; and
 - (iii) in all cases when any street or public place or place of public resort may be thronged or liable to be obstructed;
 - (d) keep order on, and in all streets, and at, and within, public bathing and washing places, fairs, and all other places of public resort or public worship or religious places;
 - (e) regulate and control the playing of music, singing or the beating of drums, tom-toms and other instruments in, and near, any street or public place;
 - (f) regulate and control the use of loudspeakers in residential areas, streets, near any public place and places of public amusement or public entertainment; or
 - (g) make reasonable orders consequential to, and in furtherance of, any order made under this section.

Police to prohibit certain acts for prevention of disorder.

- 53.(1) The Commissioner or the Superintendent of Police in areas under their respective charges, may wherever and for such time as he shall consider necessary for the preservation of public peace or public safety, by notification duly promulgated or addressed to individuals, prohibit at any town, village, or place –
- (a) the carrying of arms, cudgels, swords, spears, bludgeons, guns, knives, sticks or lathis, or any other articles, which can be used for causing injury;
 - (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;
 - (e) the public utterances or cries, singing of songs, or playing of music; or

- (f) the delivery of harangues, the use of gestures or mimetic presentations and the preparation, exhibition or dissemination of pictures, symbols, placards or any other subject or thing which may in the opinion of the Commissioner of Police or Superintendent of Police, as the case may be, offend against decency or morality or incite violence, or undermine 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 in contravention of any prohibition under the sub-section, the article, corrosive substance or explosive or missile shall be liable to be seized from him by any police officer.
- (3) The Commissioner or Superintendent of Police, as the case may be, by notification duly promulgated –
 - (a) prohibit any assembly or procession whenever and for such time as he considers such prohibition to be necessary for the preservation of the public order;
 - (b) direct any person to abstain from a certain act, if it is considered that such act is likely to endanger human life, safety or cause disturbance of public tranquility or incite a riot or an affray.
- (4) No notification promulgated under sub-section (3) shall remain in force for more than thirty days from the date of promulgation thereof ;

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

Police to prevent disorder etc. at places of public amusement or public assembly.

54. (1) For the purpose of preventing disorder or breach of the law or 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 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 the public safety at such place of amusement or such assembly or meeting as he thinks necessary, and all persons shall be bound to conform to every such reasonable direction.
- (2) Every Police Officer shall have free access to every place of public amusement, assembly or meeting for the purpose of giving effect to the provisions of sub-section (1) and to any direction made thereunder.

Police to prevent certain acts causing public annoyance.

55. (1) If the Commissioner or the Superintendent of Police in areas under their respective charges, is satisfied from the report of any officer in charge of a Police Station, or other information received by him, that it is necessary to do so in order to prevent annoyance, disturbance, discomfort or injury, 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, controlling or regulating-
- (a) the incidence or continuance in any street, open space or any other premises of –
 - (i) any vocal or instrumental music;
 - (ii) sounds 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 volume 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 or Superintendent of Police may, either on his own motion or on the application of any person aggrieved by an order made under sub-section (1), either rescind, modify or alter any such order;
- Provided that before any such application is disposed of the Commissioner or Superintendent of Police shall afford to the applicant an opportunity of appearing before him either in person or by a representative and showing cause against the order and shall, if he rejects any such application either wholly or in part, record the reasons for such rejection.

Power to restrict access to any place to prevent riots.

56. (1) In order to prevent or suppress any riot or grave disturbance of peace, the Commissioner or Superintendent of Police may temporarily close or take possession of any building or any other place and may exclude all or any persons therefrom, or may allow access thereto such persons only and on such terms as he shall deem expedient and all persons concerned shall be bound to conduct themselves in accordance with such orders as the Commissioner or Superintendent of Police may make and notify in exercise of his powers under this section.
- (2) an order under sub-section (1) may be passed after giving not less than 24 hours notice to the affected party to show cause why such

action should not be taken, unless the public safety and security demand immediate action.

Maintenance of order at religious or ceremonial functions

57. In any case of actual or intended or religious or ceremonial or corporate display or exhibition or organized assemblage in any street or public place, as to which or the conduct of, or participation in which, it shall appear to the Commissioner or Superintendent of Police that a dispute or contention exists, which is likely to lead to grave disturbance of the peace, the said 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 and all persons concerned shall obey such orders.

Power to authorize creation of barriers in public places.

58. (1) The Commissioner or Superintendent of Police in areas under their respective charges may, by public notice, temporarily reserve for the purpose of public peace or safety or public order or security, 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 or Superintendent of Police in areas under their respective charge may, whenever in his opinion such action is necessary;
 (a) authorize such police officer as he thinks fit, to erect barriers on any street for the purpose of stopping temporarily and checking 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.

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

59. (1) The Commissioner or Superintendent of Police in areas under their respective charges may, from time to time, make regulations prohibiting the disposal of the dead, whether by cremation, burial or otherwise at places other than those set apart for such purpose;
 (2) Any regulations made under sub-section (1) shall specify the places set apart for the disposal of the dead of different communities or sections of communities.

Control of camps parades etc. banning use of dress etc. resembling

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

uniform of
armed forces.

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

- (2) If the State Government is satisfied that the wearing in public by any member of any body, or association or organisation of any dress or article of apparel resembling any uniform required to be worn by a member of Armed Forces of the Union or by a member of any police force or of any force constituted by or under any law for the time being in force, is likely to prejudice the security of the State or the maintenance of public order, it may, by a general or special order prohibit or restrict the wearing or display, in public of any such dress or article of apparel by any member of such body or association or organisation.
- (3) Every general or special order under sub-section (1) and (2) shall be published in the manner prescribed for the publication of a public notice.

Explanation :

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

Dispersal of
gangs and body
of persons.

61. Whenever it shall appear in areas in which a Commissioner is appointed under Sec. 8, to the Commissioner and in a district to the Superintendent of Police, that the movement or encampment of any gang or body of persons in the area in his charge is causing or is calculated to cause danger or alarm or reasonable suspicion that unlawful designs are entertained by such gang or body or by members thereof, such officer may, by notification addressed to the persons appearing to be the leaders or chief men of such gang or body and published by beat of drum or otherwise as such officer thinks fit, direct the members of such gang or body so to conduct themselves as shall seem necessary in order to prevent violence and alarm, or disperse and each of them to remove himself outside the area within the local limits of his jurisdiction, or such area and any district, or districts or any part thereof, contiguous thereto, within such time as such officer shall prescribe, and not to enter the area or the area and such contiguous districts, or part thereof, as the case may be, or return to the place from which each of them was directed to remove himself.

Removal of
persons about to
commit offence

62. Whenever it shall appear in areas for which a Commissioner has been appointed under section 8, to the Commissioner and in other areas to the Superintendent of Police (a) that the movements or acts of any person are causing or 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, XVI, or XVII of the Indian Penal Code (XLV of 1860), or in the abetment of any such offence, and when in the opinion of such officer, 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, or (c) that an outbreak of epidemic disease is likely to result from the continued residence of an immigrant, the said officer may, by an order in writing duly served on him or by beat of drum or otherwise as he thinks fit, direct such person or immigrant so to conduct himself as shall seem necessary in order to prevent violence and alarm or the out-break or spread of such disease or to remove himself outside the area within the local limits of his jurisdiction or such area and any district or districts, or any part thereof, contiguous thereto, by such route and within such time as the said officer may prescribe and not to enter or return to the said area or the area and such contiguous districts, or part thereof as the case may be, from which he was directed to remove himself.

Removal of
persons
convicted of
certain offences.

63. If a person has been convicted –
- (a) of an offence under Chapter XII, XVI or XVII of the Indian Penal Code (XLV of 1860), or
 - (b) twice, of an offence- under the Suppression or Immoral Traffic (in Women and Girls) Act, 1956, or
 - (c) thrice, of an offence within a period of three years, under any of the provisions of the Public Gambling Act, 1867, as in force in the state of Punjab,

the Commissioner or the Superintendent of Police, if he has reason to believe that such person is likely again to engage himself in the commission of an offence similar to that for which he was convicted, may direct such person to remove himself outside the area within the local limits of his jurisdiction or such area and any district or districts, or any part thereof, contiguous thereto, by such route and within such time as the said officer may prescribe and not to enter or return to the area or the area and such contiguous districts or part thereof, as the case may be, from which he was directed to remove himself .

Explanation. For the purpose of this section “an offence similar to that for which a person was convicted” shall mean-

- (i) in the case of a person convicted of an offence mentioned in Cl. (a), an offence falling under any of the Chapters of the Indian Penal Code (XLV of 1860), mentioned in that clause, and
- (ii) in the case of a person convicted of an offence mentioned in Cls. (b)

and (c), an offence falling under the provisions of the Acts mentioned respectively in the said clauses.

Period of operation of orders under Sec. 61, 62, or 63

64. A direction made under Sec. 61,62 or 63 not to enter any particular area or such area and any district or districts, or any part thereof, contiguous thereto, as the case may be 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 sec. 61,62 or 63 is passed.

65. (1) Before an order under sec. 61, 62 or 63 is passed against any person, the officer acting under any of the said sections or any officer above the rank of an inspector authorised by that officer shall inform the person in writing of the general nature of the material allegations against him and give him a reasonable opportunity of tendering an explanation regarding them. If such person makes an application for the examination of any witness produced by him, the authority or officer concerned shall grant such application; and examine such witness, unless for reasons to be recorded in writing, the authority or officer is of opinion that such application is made for the purpose of vexation or delay. Any written statement put in by such person shall be filed with the record of the case. Such person shall be entitled to appear before the officer proceeding under this section by an advocate or attorney for the purpose of tendering his explanation and examining the witnesses produced by him.

(2) The authority or officer proceeding under sub-section (1) may, for the purpose of securing the attendance of any person against whom any order is proposed to be made under sec.61,62 or 63 require such person to appear before him and to pass a security bond with or without sureties for such attendance during the inquiry. If the person fails to pass the security bond as required or fails to appear before the officer or authority during the inquiry, it shall be lawful to the officer or authority to proceed with the inquiry and there-upon, such order as was proposed to be passed against him, may be passed.

Appeal

66. (1) Any person aggrieved by an order made under Sec. 61, 62 or 63 may appeal to the State Government within thirty days from the date of such order.

(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 State Government may, after giving a reasonable opportunity to the appellant to be heard either personally or by a pleader, advocate or attorney and after such further inquiry, if any, as it may deem necessary, confirm, vary or cancel or set aside the

order appealed against, and make its order accordingly.

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

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

Finality of order passed by State Government in certain cases.

67. Any order passed under Sec. 61, 62, or 63 or by state Government under Sec. 66 shall not be called in question in any Court except on the ground that the authority making the order or any officer authorised by it had not followed the procedure laid down in sub-section (1) section 65 or that there was no material before the authority concerned upon which it could have based its order on the ground that the said authority was not of opinion that witnesses were unwilling to come forward to give evidence in public against the person in respect of whom an order was made under Sec. 62.

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

68. (1) If any person to whom a direction has been issued under Section 61, 62 or 63 to remove himself from an area –
- (i) fails to remove himself as directed , or
 - (ii) having so removed himself except with the permission in writing of the authority making the order, as provided in sub-section (2) enters the area within the period specified in the order, the authority concerned may cause him to be arrested and removed in police custody to such place outside the area as the said authority may in each case prescribe.
- (2) The authority making an order under Sec 61, 62 or 63 may in writing permit any person in respect of whom such order has been made to enter or return to the area, including any contiguous districts or 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 permission and may require him to enter into a bond with or without surety for the due observance of the conditions imposed. The authority aforesaid may at any time revoke any such permission, Any person who with such permission enters or returns to such area shall observe the conditions imposed and at the expiry of the temporary period for which he was permitted to enter or return, or on the earlier revocation of such permission shall remove himself outside such area, or the area and any contiguous districts or part thereof, and shall not enter therein or return thereto within the unexpired residue of the period specified in the original order made under Sect. 61, 62 or 63 without a fresh permission. 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 area, or the area and any contiguous districts or part thereof, without fresh permission, the authority concerned may cause him to be arrested and removed in police custody to such place outside the area as that authority may in each case prescribe.

Temporary permission to enter or return to the area from which a person was directed to remove himself

69. (1) The State Government or any officer specially empowered by the State Government in that behalf, may, by order, permit any person in respect of whom an order has been made under Sec. 61, 62 or 63 to enter or return for a temporary period to the area, or such area and any contiguous districts or part thereof, as the case may be, from which he was directed to remove himself, subject to such conditions as it or he may by general or special order specify and which such person accepts and may, at any time, revoke any such permission.
- (2) In permitting a person under sub-section (1) to enter or return to the area or such area and any contiguous districts or part thereof, as the case may be, from which he was directed to remove himself, the State Government or such officer may require him to enter into bond with or without surety for the observance of the conditions imposed.
- (3) Any person permitted under sub – section (1) to enter or return to the area or such area and any contiguous districts or part thereof, as the case may be from which he was directed to remove himself shall surrender himself at the time and place and to the authority specified in the order or in the order revoking the said order, as the case may be.

Powers of externment of State Government and officers specially empowered.

70. (1) The State Government or any officer specially empowered by the State Government in that behalf, may, in like circumstances and in like manner, exercise the powers exercisable, in any area for which a Commissioner is appointed, by the Commissioner and in a district, by the Superintendent of Police, under Sec. 61, 62, and 63 with this modification that it shall be lawful for the state Government or the officer specially empowered to direct the members of such gang or body, or persons or immigrants, or persons convicted, as the case may be, to remove themselves from, and not to enter or return to , any local area, or any such area and any districts or part thereof, whether contiguous thereto or not.
- (2) The provisions of Sec. 64, 65, 66, 67, 68 and 69 shall mutatis mutandis apply to the exercise of any powers under this section, as they apply to the exercise of any powers under Sec. 61, 62, or 63.

Constitution of village defence parties

71. (1) For the protection of persons, the security of property and the public safety in villages the Superintendent may constitute voluntary bodies, hereinafter in this section called “village defence parties”, for any village within his jurisdiction, as he deems fit.
- (2) Subject to any general or special orders which the State Government

may make in this behalf, every person between the ages of 20 and 50 and residing in a village and who in the opinion of the Superintendent is a fit and proper person having regard to the nature of duties and functions to be performed under the provisions of this section shall be eligible for appointment as a member of the village defence party constituted for his village.

- (3) The Superintendent may by a written order signed by himself, and sealed with his own seal, appoint any person eligible under sub-section (2) to be a member of a village defence party.
- (4) For each village defence party the Superintendent shall appoint a person eligible under sub-section (2) to be an honorary commandant.
- (5) For the direction and supervision of village defence parties in a sub-division, the Superintendent may appoint a police officer, not below the rank of Head Constable, to be a sub-divisional Village Defence Officer, and any person who is willing to serve and in the opinion of the Superintendent is fit, to be a Joint Sub-Divisional Village Defence Officer.
- (6) For the direction and supervision of village defence parties in a district, the Superintendent may appoint a police officer, not below the rank of Sub-Inspector to be a District Village Defence Officer, and any person who is willing to serve and in the opinion of the Superintendent is fit, to be a Joint District Village Defence Officer.
- (7) Members of village defence parties and officers, appointed under the section, shall be under the direction and control of the Superintendent and shall receive such training, and discharge such duties, as may be determined by the Superintendent.
- (8) Members of village defence parties and officers (other than police officers) appointed under this section, shall be subject to such terms and conditions of service as may be determined, with the previous approval of the State Government, by the Superintendent.
- (9) The Superintendent or any officers appointed under this section may at any time call out officers subordinate to them, or any member of a village defence party for training or to discharge the duties assigned to them.
- (10) Every member of a village defence party and every officer appointed under this section shall –
 - (a) on appointment receive a certificate in a form approved by the State Government in this behalf;
 - (b) when called out for duty, have the same powers, privileges and protection as a police officer appointed under this Act.
- (11) Notwithstanding anything contained in any law for the time being in force, a member of a village defence party or any officer (other than a police officer) appointed under this section, shall not be disqualified from being chosen as, or for being, a member of –
 - (a) the Punjab Legislative Assembly, or

(b) any local authority

by reason only of the fact that he is a member of a village defence party or such officer.

In such districts as the State Government may by notification in the official Gazette specify, the powers, duties and functions of the Superintendent, District Village Defence Officer and Sub Divisional Village Defence Officer under this section shall be exercised, performed and discharged by such officers of the Home Guards as the Commandant General Home Guards, may direct, and thereupon all the foregoing provisions of this sections shall apply but references therein to the Superintendent, District Village Defence Officer and Sub Divisional Village Defence Officer shall be deemed to be references to the relevant officers of the Home Guards.

Constitution of
defence
societies/peace
committees

72. (1) For the protection of persons and prevention and control of riots and disturbances, the security of property and the public safety in any locality, the Commissioner or Superintendent of Police, as the case may be, may constitute voluntary bodies (hereafter in this section referred to as Defence Societies or Peace Committees) in the prescribed manner.
- (2) The Commissioner or Superintendent of Police or any officer of a Defence Society may at any time call up officers subordinate to him or any member of a Defence Society / Peace Committee for training or to discharge any of the duties under this Act assigned to them.
- (3) Every officer or member of Defence Society / Peace Committee shall on appointment receive a certificate in such form as may be specified or approved by the state Government in this behalf.

Power of
State Government
to
authorise
Commissioner.
Superintendent.
of Police and
certain other
officers to
exercise
power of
District
Magistrates and
executive
Magistrates
under the
Cr.P.c

73. (1) The State Government may, by notification in the official gazette and subject to such conditions and limitations as may be specified therein, empower ;
- (a) the Commissioner and the Superintendent of Police to exercise and perform in areas under their respective charges, the powers and duties of an Executive Magistrate and of a District Magistrate under such of the provisions of the Code of Criminal Procedure 1973 (2 of 1974) as may be specified in the notification.
- (b) any officer subordinate to the Commissioner or Superintendent of Police (not being an officer below the rank of an Assistant Commissioner or Assistant Superintendent or Deputy Superintendent of Police) to exercise and perform in relation to such areas as may be specified in the notification the powers and duties of an executive Magistrate under such of the provisions of the said Code as may be specified in the notification.
- (2) Every officer subordinates to the Commissioner/Superintendent of Police shall, in the exercise and performance of any powers and

duties which he is empowered to exercise or perform under sub-section (1) be subject to the general control of the Commissioner/ Superintendent of Police in the same manner and to the same extent as an Executive Magistrate appointed under section 20 of the said Code would be subject to the general control of the District Magistrate appointed under that section.

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

Power of Commissioner and Superintendent of Police under other Acts.

- 74.(1)a).The Commissioner shall exercise all powers and discharge all functions that may be exercised or discharged by a District Magistrate under the Acts mentioned in Schedule III including the rules made thereunder.
- b). The powers under Sub-Section (1) (a), may also be exercised by any Superintendent of Police in a district specially empowered in this behalf by the State Government.
- (2) The Commissioner or Superintendent of Police specially empowered in this behalf under sub section (1) as the case may be, may authorize any Deputy Commissioner of Police or Superintendent of Police or Assistant Superintendent of Police or Deputy Superintendent of Police to exercise any of the powers or discharge any of the functions of the Commissioner or Superintendent of Police mentioned in sub-section(1) in accordance with the general or special orders of the State Government.

**CHAPTER VIII
POWERS OF POLICE IN RELATION TO UNCLAIMED PROPERTY**

Police to take charge of unclaimed property.

- 75. (1) It shall be the duty of every police officer to take temporary charge-
 - (a) of all unclaimed property found by or made over to him, and
 - (b) of all property found lying in any public street, if the owner or person in charge of such property, on being directed to remove the same, refuses or fails to do so.
- (2) The police officer taking charge of the property under sub-section (1) shall furnish an inventory thereof to the Commissioner or Superintendent of Police as the case may be.

Procedure for disposal of property taken charge of under section 75.

- 76. (1) Where any property has been taken charge of under sub-section (1) of section 75, the Commissioner or Superintendent of Police, as case may be, shall issue a proclamation specifying the articles of which such property consists and requiring that any person who may have a claim thereto shall appear before him or some other officer whom he

may authorise in this 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 two thousand rupees it may forthwith be sold by auction under the orders of the Commissioner or Superintendent of Police, as the case may be, and the net proceeds of such sale 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 officer authorized by the Commissioner or Superintendent of Police in that behalf and establishes his claim, such officer shall forward the record of the proceedings before him with his finding thereon to the Commissioner or Superintendent of Police, as the case may be.

Delivery of
property to
person
entitled

77. (1) The Commissioner or Superintendent of Police in areas under their respective charges on being satisfied of the title of any claimant to the possession or administration of the property specified in the proclamation issued under sub-section (1) of section 76 order the same to be delivered to him, after deduction or payment of the expenses incurred in the seizure and detention thereof.
- (2) The Commissioner or Superintendent of Police, as the case may be, may at his discretion, before making any order under sub-section (1) take such security as he may think proper from the person to whom the said property is to be delivered and nothing hereinbefore contained shall affect the right of any person to recover the whole or any part of the same from the person to whom it may have been delivered pursuant to such order.

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

78. (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 76, shall be at disposal of the State Government and such property may be sold by auction under the orders of the Commissioner or Superintendent of Police as the case may be, and the proceeds thereof shall be credited to the Government.
- (2) If any claim is made to any proceeds credited under sub-section (1) to the Government and if such claim is established whether wholly or to any extent, to the satisfaction of the prescribed authority, the Government shall pay to the claimant the amount determined in that behalf by the prescribed authority.
- (3) The form and manner in which claims may be made under sub-section (2) and the procedure for dealing with such claims and all other matters connected therewith shall be such as may be prescribed.

**CHAPTER IX
OFFENCES AND PUNISHMENTS**

Disregarding the rules of the road.

79. (1) 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) use mobile phone or engage in any activity which may distract his attention while driving a vehicle;
- or
- (c) leave in any street or public place insufficiently tended or secured any animal or vehicle;

Causing obstruction or mischief by animal.

- (2) cause obstruction, damage, injury, danger, alarm or mischief in any street or public place—
 - (i) by misbehaviour, negligence or ill-usage in the driving, management, treatment or care of any animal or vehicle; or
 - (ii) by driving any vehicle or animal laden with timber, poles or other unwieldy articles through a street or public place contrary to any regulation made in that behalf;

or

Exposing animal for hire, sale etc.

- (3) in any street or public place expose for hire or sale any animal or vehicle, clean any furniture or vehicle, or clean or groom any horse or other animal except at such times and places as the competent authority permits, or shall train or break in any horse or other animal or make any vehicle or any part of a vehicle or (except when as a result of any accident repairing on the spot is unavoidable) repair any vehicle or part of a vehicle, or carry on therein any manufacture or operation so as to be a serious impediment to traffic or serious annoyance to residents in the vicinity or to the public;

or

Causing any obstruction in a street.

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

- regulation; or
- (e) by exposing anything for sale or setting out anything for sale in or upon any stall, booth, board, cask, basket or in any other way whatsoever;
- or
- Obstructing a footway. (5) drive, ride, load, propel or leave on any footway any animal or vehicle other than a perambulator or fasten any animal in such a way that the animal can stand across or upon such footway;
- or
- Causing obstruction and annoyance by performance etc. (6) in contravention of any regulation made by the Commissioner or Superintendent of Police, as the case may be---
- (a) exhibit any mimetic, musical or other performances of such a nature as may attract crowds; or
- (b) carry or place bulky advertisements, pictures, figures or emblems in any street or public place;
- whereby any obstruction to passengers or annoyance to the residents in the vicinity may be occasioned;
- or
- Doing offensive acts in or near a street or public place. (7) 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;
- or
- Letting loose horse, etc., and suffering ferocious dogs to be at large. (8) 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;
- or
- Bathing or washing in places not set apart for those purposes (9) 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;
- or
- Defiling water in public wells etc. (10) 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;
- or
- Obstructing bathers. (11) obstruct or incommode a person bathing at a place set apart for the purpose by the order of the competent authority under sub-section (9) by wilful intrusion or by using such place for any purpose for which it

- is not so set apart;
- or
- Behaving indecently in public.
- (12) 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 public office, police station or station house;
- or
- Obstructing or annoying passengers in street.
- (13) wilfully push, press, hustle or obstruct any passenger in a street or public place or by violent movements, menacing gestures, wanton personal annoyance, screaming, shouting, wilfully frightening any animal or otherwise, disturb the public peace or order;
- or
- Misbehavior with intent to provoke of the peace.
- (14) use in any street or public place any threatening, abusive or insulting words or behaviour with intent to provoke a breach of the peace or whereby a breach of the peace may be occasioned;
- or
- Prohibition against flying kite etc.
- (15) fly a kite or any other thing as to cause danger, injury or alarm to persons, animals or property;
- or
- Committing nuisance in or near street etc.
- (16) 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;
- or
- Drunkenness In a street etc.
- (17) be so drunk as to be incapable of taking care of himself in a street or place of public resort;
- or
- Affixing notice etc. upon public property without consent of authority.
- (18) without the consent of the government or public authority concerned, affix or cause to be affixed any bill, notice or other paper upon any lamp-post, tree, letterbox, transformer, street or any other property belonging to Government or any public authority or write upon or deface or mark or cause to be written upon or defaced or marked on any such lamp-post, tree, letter box, transformer, street or other property;
- or
- Disregard of notice in public building.
- (19) 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;

penalties for offences under sections 79

80. Any person who contravenes any of the provisions of section 79 shall, on conviction, be punished with fine which may extend to five thousand rupees, or, in default of payment of such fine, with imprisonment for a term not exceeding one month.

penalty for failure to keep in confinement cattle, etc.

81. (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 fine which may extend to five 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 ten 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 as if it were a fine imposed under this section.

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

(5) Any fine imposed under this section may, without prejudice to any other means of recovery provided by law, 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

Punishment for cruelty to animals.

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

Wilful trespass.

83. Whoever without sufficient cause 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 one month or with fine which may extend to five thousand rupees, or with both.

False alarm of fire or damage to fire brigade.

84. Whoever knowingly gives or causes to be given a false alarm of fire to the fire brigade of the Government or the Corporation or a municipality or to 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 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 five thousand rupees, or with both.

Being found under suspicious circumstances between sunset and sunrise.

85. Whoever is found between sunset and sunrise---

- (a) armed with any dangerous instrument with intent to commit an offence; or
- (b) in any dwelling- house or other building, or on any vehicle, without being able to account satisfactorily for his presence there; or
- (c) lying or loitering in any street, yard or other place, being a reputed thief 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.

Suffering disorderly conduct at places of public amusement etc.

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

Penalty for contravening regulations. etc. under section 51.

87. Except as provided in section 89, Whoever contravenes or abets the contravention of, any regulation made under section 51 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 (a) of sub-section (1) of section 51 providing for the prohibition of the sale or exposure for sale, of any goods on any street or portion thereof so as to cause obstruction to traffic or inconvenience to the public---
 - (i) for the first offence, with imprisonment for a term which may extend to one month, or with fine which may extend to five thousand 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 ten thousand rupees or with both.
- (b) if the regulation was made under clause (c), (g), (h) or (i), sub-clause (i) or (ii) of clause (r) or clause (u) of sub-section (1) of section.51

with imprisonment for a term, which may extend to fifteen days, or with fine which may extend to two thousand rupees or with both;

- (c) if the regulation was made under clause (n) or (o) of sub-section (1) of section 51 with fine which may extend to one thousand rupees; and
- (d) if the regulation was made under any clause of sub-section (1) of section 51 and for the contravention of which no penalty is provided under clause (a), (b) or (c) of this section, with fine which may extend to one thousand rupees.

Liability of licensee of place of public amusement or entertainment for acts of servants.

88. 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 primary offender for any offence under section 87 committed by his servant or other agent acting with his express or implied permission on his behalf as if he himself had committed the same, unless he establishes that all due and reasonable precautions were taken by him to prevent the commission of such offence.

Penalty for not obtaining licence in respect of place of public entertainment or certificate of registration in respect of eating house or for not renewing such licence or certificate within prescribed period.

89. (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 two 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 of thereof and thereupon such person shall forthwith comply with such direction.
- (3) If the person fails to comply with any such direction, he shall, on conviction, be punished with imprisonment for a term which may extend to one month or with fine which may extend to five 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 or Superintendent of Police as the case may be, by an order in writing, may take or cause to be taken such steps and use or cause to be used such force as may, in the opinion of such officer, be reasonably necessary for securing compliance with the court's, direction.

Penalties for contravention of orders etc. under sections 52, 53, 54, 55,

90. (1) Whoever contravenes, disobeys, opposes or fails to conform to any order given by a police officer under section 52 shall be conviction, be punished with fine which may extend to one thousand rupees.
- (2) Whoever contravenes a notification or an order made under section 53,

- 56 and 57, section 55, section 56, or section 57 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 53, or under section 56, or section 57, 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 judgement, impose a sentence of imprisonment for a term of less than four months;
 - (b) if the said order was made under sub-section (2) of section 53 with imprisonment for a term which may extend to one month, or with fine which may extend to five thousand rupees, or with both;
 - (c) if the said notification was made under sub-section (3) of section 53 with fine which may extend to two thousand rupees; or
 - (d) if the said order was made under section 55 with imprisonment for a term which may extend to three months, or with fine which may extend to ten thousand rupees, or with both.
- (3) Whoever opposes or fails to conform to any direction given by a police officer under section 54 shall, on conviction, be punished with fine which may extend to five thousand rupees.
- Penalty for contravention of regulations etc. made under sections 57, 58, 59
91. Whoever contravenes, or abets the contravention of, any regulation, notice or order made under section 57, 58, or section 59, shall, on conviction, be punished with imprisonment which may extend to three months, or with fine which may extend to ten thousand rupees, or with both.
- Penalty for contravention of orders under section 60.
92. Whoever contravenes any order made under section 60 shall, on conviction, be punished with imprisonment for a term which may extend to three years, or with fine, or with both.
- Penalty for opposing or Not complying with direction given under clause (b) of sub-sec. (1) of sec. 41,
93. Whoever opposes or fails forthwith to comply with any reasonable requisition made by a police officer under clause (b) of sub-section (1) of section 41 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 upto rupees five thousand.
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.
- Penalty for contravening directions under sec.45
94. Whoever opposes or fails to conform to any direction given by any police officer under section 45 or abets the opposition or failure to conform to such direction shall, on conviction, be punished with fine which may extend to one thousand rupees.

Dangerous
Performance.

95. (1) No person shall without the previous permission of the Commissioner or Superintendent of Police as the case may be, and except in accordance with any conditions subject to which such permission is granted hold or give in any place which is likely to cause an assembly of persons, any performance in which or during which he buries himself under ground or seals himself in any room or receptacle or other thing, in such manner as to prevent all access of air to him and for such time as could ordinarily result in death by suffocation.
- (2) If any person contravenes or attempts to contravene the provisions of sub-section (1), he shall, on conviction, be punished with imprisonment for a term which may extend to one year or with fine or with both.

Penalty for
Dramatic/
Cinematographic
performances
Depicting
uniformed
personnel
or police
Force
in disgraceful
roles.

96. (1) Whoever while taking part in any dramatic or cinematic performance depicts the role of any officer of uniformed force of the Central or State Governments wearing badges of a rank not appropriate with the rank by which he is addressed in the performance and all those person who in any manner abet such performance shall be punished for a term which may extend to six months and with fine..
- (2) Whoever produces directs or takes part in any dramatic or cinematographic performance showing the role of a police officer in uniform in such a disgraceful manner that invites ridicule and disrespect or incites feelings of hatred or contempt towards the police force, shall be punished with imprisonment which may extend to two years and with fine.

Penalty for
Contravention
of regulation
or provisions
for which
punishment
not otherwise
provided.

97. Whoever contravenes any provision of this act or disobeys or fails to conform to any order issued by the competent authority or rule or regulation made or direction issued under this Act for which no punishment is expressly provided, shall on conviction be punished:-
- (1) for the first offence with fine that may extend to five thousand rupees but not less than one thousand rupees and imprisonment that may extend to six months;
- (2) for any subsequent offence, with fine that may extend to ten thousand rupees but not less than two thousand rupees and with imprisonment that may extend to one year.

Offence
Cognizable
bailable and
triable
Summarily.

98. Notwithstanding anything contained in the Criminal Procedure Code, 1973
- (a) all the offences under this Act are cognizable and bailable except those offences where maximum punishment is more than six months.
- (b) all the offences under this Act shall be tried summarily except those offences for which maximum punishment prescribed is imprisonment for more than six months.

CHAPTER X
OFFENCES RELATING TO POLICE OFFICERS

Penalty for making false statement, etc. and for misconduct of Police officers

99. (a) Any person who makes a false statement or a statement which is misleading in material particulars or uses a false document for the purpose of obtaining employment or release from employment as a Police Officer, or
- b) any police officer who--
- (i) is guilty of cowardice, or
 - (ii) being a police officer resigns from his office or withdraws himself from duties except in accordance with the procedure laid down; or
 - (iii) is guilty of any wilful breach or neglect of any provision of law 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; or
 - (vi) malingering or feigning or voluntarily causing hurt to himself with the intention to render himself unfit for the service; or
 - (vii) being grossly insubordinate to his superior officers or using criminal force or intemperate language against superior officer; or
 - (viii) engages himself or participates in any demonstration, procession or strike or resorts or abets any form of strike, coercion or physical duress to force any authority to concede anything, shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to five thousand rupees but not less than five hundred rupees, or with both.

Explanation :

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

Vexatious Entry, search arrest etc. by Police officer.

100. Any Police Officer who--
- (a) without lawful authority or reasonable cause enters or searches, or allows 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) causes any unnecessary violence to any person in 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 six months, or with fine which may extend to five thousand rupees, but not less than five hundred rupees or with both.

Occupation of and liability to vacate premises provided for police officers

- 101.(1) A police officer occupying any premises provided by the Commissioner or Superintendent of Police for his residence shall :
- (a) occupy the same subject to such tenure and conditions as may by general or special order, be specified by the Commissioner or Superintendent of Police,
 - (b) notwithstanding anything contained in any law for the time being in force, vacate the same on his ceasing to be a police officer or whenever the Commissioner or Superintendent of Police or any officer authorised by them consider it, for reason to be recorded in writing, necessary and expedient to require him to do so.
- (2) If any police officer who is bound or required under sub-section (1) to do so, the Commissioner or Superintendent of Police may order such police officer to vacate the premises and may direct any police officer with such assistance as may be necessary to enter upon the premises and remove therefrom any person found therein and to take possession of the premises and deliver the same to any person specified in the direction.
- (3) Whoever contravenes, disobeys, oppose or fail to conform to an order under sub-section (1) and (2) of this section requiring him to vacate any premises shall, on conviction be punished with imprisonment which may extend to three months or with time which may extend to ten thousand rupees or with both.

Penalty for defamatory allegations and unauthorised use of police uniform.

102. (1) If any person without probable cause, prefers any false or frivolous or scandalous or defamatory allegation against any police officer with reference to anything done or omitted to be done by him in the discharge of his duties, he shall, on conviction, be punished with imprisonment which may extend to one year or with fine which may extend to five thousand rupees but not less than two thousand rupees or with both.
- (2) If any person not being a member of the Punjab State Police or Indian Police Service wears without any legal authority the uniform of the Punjab State Police or Indian Police Service 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 five thousand rupees but not less than five hundred rupees or with

imprisonment which may extend to one year, or with both.

Explanation:-

- (1) Colour of the headgear, belt, badges of rank, lanyard and whistlecord may be regarded as distinctive marks of the uniform.
- (2) The Commissioner or the Superintendent of police may permit wearing police uniform temporarily by artistes in dramas or in film shooting.

Arrest and
prosecution of
police
officers

103. (1) Notwithstanding anything contained in Section 41 to 44 (both inclusive) of Criminal Procedure Code, no member of the police force shall be arrested for anything done or purported to be done by him in the discharge of his official duties except after obtaining the consent from the State Government in respect of police officers of the rank of Assistant Commissioner, Deputy Superintendent of police and above and from the Director General of Police in respect of subordinate police officers.
- (2) No Court shall take cognizance of any offence alleged to have been committed by any Police officer while acting or purporting to act in the discharge of his official duty except with the previous sanction of the State Government in respect of police officers of the rank of Assistant Commissioner, Deputy Superintendent of Police and above and of Director General of Police in respect of subordinate Police officers.
- (3) No Court below that of a Chief Judicial Magistrate or Magistrate of the first class shall try any offence under this Act when the accused person or one of the accused persons is Police officer.
- (4) No Police Officer shall be liable to any penalty or payment of damages on account of any act done in good faith in pursuance or intended pursuance of any duty imposed or any authority conferred on him by any provision of this Act or any law for the time being in force or any rule, order or direction made or given therein.
- (5) Any Police Officer against whom a Suit or Prosecution or other legal proceeding has been instituted for anything done or purported to be done in the discharge of his duty shall be entitled to such financial and other assistance as may be prescribed by the State Government.

CHAPTER XI GENERAL PROVISIONS

Prosecution
for offences.

104. 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 law.

Power to compound certain offences.

105. Offences punishable under Sections 79, or under clause (a), (b) or (c) of section 87 of this Act may be compounded, if the offender pays on the spot or on demand at a designated place by a Police Officer not below the rank of an Inspector, such amount as may be prescribed for the offence by the State Government.

Offences by companies

106. (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 of, 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 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 that the commission of the offence is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation:

For the purpose of this section—

(a) “company” means a body corporate and includes firm society or association or a body of persons whether registered or not.

(b) “director” in relation to a firm, means and includes a partner in the firm.

Disposal of fees, rewards, etc.

107. (1) All fees paid for licences, service of processes or the amounts realised u/s 105 of this Act for compounding of offences or written permissions issued under this Act, shall be credited in equal shares to the state Government and the Police Department under appropriate heads.

(2) Any Court may direct that a part not exceeding one half of the money or proceeds of articles seized and ordered to be forfeited, be paid to such Police officers as may have detected or assisted in the detection of the case in such proportion as the Commissioner or Superintendent of Police thinks it.

Rules and

108. No rule, order, direction, inquiry or notification made or published, and

orders not
invalidated by
defect of form
or irregularity
in procedure.

no act done under any provision of this Act or of any rule made, under this Act, or in substantial conformity to the same, shall be deemed illegal, void, invalid or insufficient by reason of any defect of form or any irregularity of procedure.

Suits or
prosecutions
against police
officers.

109. (1) In any case of alleged offence by a Police officer, or of a wrong alleged to have been done by a Police officer, by any act done under colour or in excess of any such duty or authority as aforesaid, or wherein, it shall appear to the Court that the offence or wrong if committed or done was of the character aforesaid, prosecution or suit shall not be entertained and shall be dismissed, if instituted, more than 3 months after the date of the act complained of.
- (2) In the case of an intended suit on account of such a wrong as aforesaid, the person intending to sue shall be bound to give to the alleged wrongdoer at least one months 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 whether any tender of amends, if any, has been made by the defendant. A copy of the said notice shall be annexed to the plaint endorsed or accompanied with a declaration by the plaintiff of the time and manner of service thereof .

Licences and
written
permission to
specify
conditions etc.

110. (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 signatures of the competent authority and such fee shall be charged there for as is prescribed by any rule under this Act in that behalf.
- (2) Any licence or written permission granted under this Act may at any time be suspended or revoked by the competent authority for reasons to be recorded, if any of its conditions or restrictions is infringed or evaded by the person to whom it has been granted, or if such person is convicted of any offence in any matter to which such licence or permission relates.
- (3) Every person to whom any such licence or written permission has been granted, shall, while the same remains in force, at all reasonable time, produce the same if so required by a Police Officer.

Explanation ;

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

shall be deemed to be infringement or evasion by, or as the case may be, conviction of, the person to whom such licence or written permission has been granted.

- | | |
|-----------------------------------|---|
| Public notices procedure | 111. Any public notice required to be given under any of the provisions of this Act shall be in writing under the signatures of a competent authority and shall be publicised in the locality to be affected thereby, by affixing copies thereof in conspicuous public places, or proclaiming through loudspeakers or by publicising in the local news paper or by such other means as the said authority may deem fit. |
| Consent of a competent authority. | 112. 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 approval, declaration, opinion or satisfaction shall be sufficient evidence thereof. |
| Repeal and Savings. | <p>113. (1) The enactments specified in Schedule IV are hereby repealed :
 Provided that –</p> <ul style="list-style-type: none"> (i) all rules prescribed, appointments made, powers conferred, orders made or passed, directions and certificates issued or saved, person arrested or detained or discharged on bail or bond, search warrants issued, bond forfeited penalty incurred under any such enactment shall, so far as they are consistent with this Act, be deemed to have been respectively prescribed, made, conferred, given, passed, arrested, detained, discharged, forfeited and incurred thereunder ; (ii) all references made in any enactment to any enactments so ceasing to be in force shall be construed as references to the corresponding provision of this Act. <p>(2) Nothing in sub-section (1) shall be deemed to affect –</p> <ul style="list-style-type: none"> (a) the validity, invalidity, effect or consequence of anything done or suffered to be done in an area before the date on which the provisions of this Act come into force in such area; (b) any right, privilege obligation or liability already acquired, accrued or incurred before such date (c) any penalty, forfeiture or punishment incurred or inflicted in respect of any act before such date ; (d) any investigation, legal proceeding or remedy in respect of such right, privilege, obligation, liability, penalty, forfeiture or punishment ; (e) any legal proceeding pending in any court or before any officer on the aforesaid date or anything done or suffered to be done in the course of such proceedings, and any such |

proceeding or any appeal or revisional proceedings arising out of such proceeding shall be instituted, continued or disposed of as the case may be, as if this Act had not been enacted.

Existing Police force deemed to be constituted under this Act.

114. Without prejudice to the provisions contained in Section 113, the Police force functioning in the State of Punjab, immediately before the commencement of this Act, shall on such commencement, be deemed to be Police force constituted under this Act.

(See Section 18)**Form of oath or affirmation by members of Police Force**

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

SCHEDULE II
(See Section 19)
S E A L

(Photograph to be affixed)

CERTIFICATE OF APPOINTMENT IN THE POLICE FORCE

No.

Certificate of Appointment issued under the Punjab Police Act 2003 Mr. has been appointed as and is invested with the powers, functions, and privileges of a Police Officer under the Punjab Police Act of 2003, In the District Police/Railway Police/ Area under the charge of the Commissioner/Superintendent of Police for on the day of 200_.

Signature

Designation

SCHEDULE III

(See Section 74)
Central and State Acts
(as enacted and amended from time to time)

1. The Indian Explosives Act, 1884.
2. The Indian Lunacy Act, 1912.
3. The Poisons Act, 1919.
4. The Police (Incitement to Disaffection) Act, 1922.
5. The Cinematograph Act, 1952.
6. The Suppression of Immoral Traffic (in Women and Girls) Act, 1956.
7. The Arms Act, 1959.
8. The Press and Registration of Books Act 1867
9. Punjab Habitual offenders (Control and Reforms) Act, 1952
(Act No. XII of 1952).
10. Public Gambling Act, 1867 (3 of 1867).
11. Dramatic performances Act, 1876 (19 of 1876)
12. Motor Vehicles Act,

SCHEDULE IV

(See Section 113)

1. The Police Act, 1861 (No. V of 1861).
2. Punjab Instruments (Control of Noises) Act, 1956 (Act No. 36 of 1956).

CONTENTS

CHAPTER I PRELIMINARY

- 1 Short title, extend and commencement.
2. Definitions

CHAPTER II ORGANISATION OF THE POLICE FORCE

3. One police force for the state
4. Constitution of Police Force
5. Director/Addl. Director General/Insp. General & Deputy Insp. General.
6. Appointment of Director of prosecution
7. Terms of office of Director General of Police
8. Commissioner of Police, Additional Commissioner, Joint Commissioner and Deputy Commissioner of Police.
9. Appointment of Superintendent/Assistant/Deputy Superintendents.
10. Administration of district.
11. Co-ordination in District Administration.
12. Appointment of Additional Director General/Inspector General and Director of Police Wireless and of Superintendent and Deputy Superintendent for wireless system, motor transport system or any specific duty.
13. Organisation of Common service
14. Organisation of Research
15. Appointment of Director, Joint Director and Deputy Directors Punjab Police Academy and Principal of Police Training School.
16. Assistant commissioners with-in jurisdiction of commissioners.
17. Constitution of Police Districts, Police Sub-divisions and Police Stations, Zones and Ranges.
18. Appointment of Subordinate ranks and oath of affirmation by members of Police force.
19. Certificate for appointment.
20. Appointment of Railway Police.

CHAPTER III SPECIAL POLICE OFFICERS AND ADDITIONAL POLICE FORCE ETC.

21. Special Police Officers.
22. Appointments of technocrats in communication and wireless, motor transport and computers.
23. Additional Police employed at cost of individuals.
24. Quartering of additional Police in disturbed or dangerous areas.

CHAPTER IV

THE STATE SECURITY COMMISSION

25. Establishment and constitution of the State Security Commission.
26. Administration of Police Force.
27. Functions of the Commission.
28. Vacancies not to invalidate acts.
29. Removal from office, of member.
30. Fees and other allowances payable to members of the Commission.
31. Disqualifications
32. Vacation of seats of members.
33. Procedure for Commission.
34. Expenses of the Commission.
35. Annual Report of the Commission.
36. Power to make regulations.
37. Power of the State Government.

CHAPTER V ROLE-DUTIES, POWERS AND RESPONSIBILITIES OF THE POLICE

38. Duties and responsibilities of Police.
39. Duties of Police officers in public places.
40. Duties of Police officers towards community.
41. Duties of Police officers to enforce provisions of the Act.
42. Power to enter places of public resort.
43. Power to search suspected persons in streets etc.
44. Superior police officer may himself perform duties imposed on a subordinate officer.
45. Persons bound to comply with the reasonable directions of police officer.

CHAPTER VI RULES, REGULATIONS, CONTROL AND DISCIPLINE OF THE POLICE FORCE

46. Powers to make Rules and Regulations.
47. Disciplinary penalties.
48. Suspension.
49. Police officers always on duty and not to resign without leave or notice.
50. Police officers not to engage in other employment.

CHAPTER VII POLICE REGULATIONS

51. Power to make regulations for regulating traffic and for preservation of order in public place etc.
52. Regulation of assemblies in public places.
53. Police to prohibit certain acts for prevention of disorder.
54. Police to prevent disorder etc. at places of public amusement or public assembly.
55. Police to prevent certain acts causing public annoyance.
56. Power to restrict access to any place to prevent riots.
57. Maintenance of order at religious or ceremonial functions.

58. Power to authorize creation of barriers in public places.
59. Power to make regulations prohibiting disposal of the dead except at places set apart.
60. Control of camps parades etc. banning use of dress etc. resembling uniform of armed forces.
61. Dispersal of gangs and body of persons.
62. Removal of persons about to commit offence.
63. Removal of persons convicted of certain offences.
64. Period of operation of orders under Sec. 61,62 or 63.
65. Hearing to be given before order under Sec. 61,62 or 63 is passed.
66. Appeal.
67. Finality of order passed by state Government in certain cases.
68. Procedure on failure of person to leave the area and his entry therein after removal.
69. Temporary permission to enter or return to the area from which a person was directed to remove himself.
70. Power of externment of State Government and offices specially empowered.
71. Constitution of village defence parties.
72. Constitution of defence societies/peace committees.
73. Power of State Government to authorize Commissioner, Superintendent of Police and certain other officers to exercise power of District Magistrates and executive Magistrates under the Cr.P.C.
74. Power of Commissioner and Superintendent of Police under other Acts.

CHAPTER VIII
POWER OF POLICE IN RELATION TO UNCLAIMED PROPERTY.

75. Police to take charge of unclaimed property.
76. Procedure for disposal of property taken charge of under section 75.
77. Delivery of property person entitled.
78. In default of claim, property to be at disposal of Govt.

CHAPTER IX
OFFENCES AND PUNISHMENTS

79. Disregarding the rules of the road, street, thoroughfare, footway, public place.
80. Penalties for offences under sections 79.
81. Penalty for failure to keep in confinement cattle, etc.
82. Punishment for cruelty to animals.
83. Willful trespass.
84. False alarm of fire or damage to fire brigade.
85. Being found under suspicious circumstances between sunset and sunrise.
86. Suffering disorderly conduct at places of public amusement etc.
87. Penalty for contravening regulations etc. under section 51.
88. Liability of licensee of place of public amusement for acts of servants.
89. Penalty for not obtaining license in respect of place of public entertainment or certificate of registration in respect of eating house or for not renewing such licence or certificate within prescribed period.
90. Penalties for contravention of orders etc. under sections 52, 53, 54, 55, 56 and 57.
91. Penalty for contravention of regulation etc. made under sections 57, 58, 59.
92. Penalty for contravention of orders under section 60.

- 93. Penalty for opposing or not complying with direction given under clause (b) of sub-sec. (1) of sec. 41.
- 94. Penalty for contravening directions under sec.45.
- 95. Dangerous performance.
- 96. Penalty for dramatic/cinematographic performances depicting uniformed personnel or police force in disgraceful roles.
- 97. Penalty for contravention of regulation or provisions for which punishment not otherwise provided.
- 98. Offences Cognizable, bailable and triable summarily.

**CHAPTER X
OFFENCES RELATING TO POLICE OFFICERS**

- 99. Penalty for making false statement, etc. and for misconduct of Police officers.
- 100. Vexatious entry, search arrest etc. by Police officer.
- 101. Occupation of and liability to vacate premises provided for Police officers.
- 102. Penalty for defamatory allegations and unauthorized use of Police uniform.
- 103. Arrest and prosecution of Police officers.

**CHAPTER XI
GENERAL PROVISIONS**

- 104. Prosecution for offences.
- 105. Power to compound certain offences.
- 106. Offences by companies.
- 107. Disposal of fees, rewards, etc.
- 108. Rules and orders not invalidated by defect of form or irregularity in procedure.
- 109. Suits or prosecutions against police officers.
- 110. Licenses and written permission to specify conditions etc.
- 111. Public notices procedure.
- 112. Consent of a competent authority.
- 113. Repeal and Savings.
- 114. Existing Police force deemed to be constituted under this Act.

Schedule I
Schedule II
Schedule III
Schedule VI