

MYSORE LEGISLATURE

REPORT

OF THE

**Joint Select Committee on the Mysore Police
Bill, 1962.**

(Presented on 2nd September 1963)



**LEGISLATURE SECRETARIAT
BANGALORE**

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1963

REPORT OF THE JOINT SELECT COMMITTEE ON THE
MYSORE POLICE BILL, 1962.

Composition of the Joint Select Committee.

Sriyuths.—

1. R. M. PATIL, *Minister for Home, (Chairman).*
2. M. V. RAMA RAO, *Minister for Law*
3. D. PARAMESWARAPPA.
4. S. M. KRISHNA.
5. V. S. PATIL.
6. B. CHANNABYRE GOWDA.
7. ANDANAIAH.
8. A. S. PATIL.
9. D. VENKATARAMAIAH.
10. J. P. SARVESH.
11. A. SHARANAPPA
12. T. G. SATYANARAYANA.
13. S. S. KOLKE BAIL.
14. B. M. PATIL.
15. K. S. SURYANABAYANA RAO.
16. G. DUGGAPPA.
17. C. M. DESAL.
18. SMT. S. H. MARKER.
19. V. MUNISWAMY.
20. P. M. NADGOUDA.
21. M. P. ESWARAPPA.
22. C. S. BALAKRISHNA GOWDA.

DRAFTSMEN.

- SRI R. HANUMANTHA RAO,
Secretary to Government, Law Department.
- SRI R. SANJEEVALU,
Additional Secretary to Government, Law Department.
- SRI M. A. SRIKRISHNA,
Deputy Draftsman, Law Department.
- SRI M. L. RAMASWAMI,
Assistant Draftsman, Law Department.

SECRETARIAT.

- SRI G. S. VENKATARAMANA IYER, *(Secretary).*
- SRI E. S. THIMMAPPA GOWDA, *(Deputy Secretary).*
- SRI V. B. DESHMUKH, *(Under Secretary).*

**REPORT OF THE JOINT SELECT COMMITTEE
ON THE MYSORE POLICE BILL, 1962.**

(*Presented on 2nd September 1963*).

I, the Chairman of the Joint Select Committee to which the Mysore Police Bill, 1962, was referred, having been authorised to submit the report, present this report with the Bill as reported by the Committee annexed thereto.

2. The Bill was published in the *Mysore Gazette* on 26th July 1962.

3. The Bill was introduced in the Assembly on 22nd September 1962. The Legislative Assembly discussed the motion for consideration on 19th February 1963. The motion for reference of the Bill to a Joint Select Committee was moved by me in the House on 20th February 1963 and was adopted on the same day (*vide* Appendix I).

4. The Legislative Council discussed the motion on 13th March 1963 and concurred in the same on 16th March 1963 (*vide* Appendix II).

5. The Committee held 10 sittings on 29th March 1963, 4th April 1963, 24th May 1963, 25th May 1963 (2 sessions), 26th, 27th, 28th May 1963, 12th and 15th July 1963.

6. The Committee considered the report on 12th and 15th July 1963 and adopted it on the 15th July 1963. The Committee authorised me to present this report.

7. The observations of the Committee with regard to the principal changes proposed in the Bill are detailed in the succeeding paragraphs.

8. *Clause 2.—(1) Item (1) (Original item).*—The Committee are of the opinion that the definition of "cattle" should be made comprehensive to include cows, bullocks, bulls, calves, buffaloes, etc. The item has therefore been suitably amended.

(2) *Item (2) (Original item).*—It is not necessary to have a definition of a "Corporation". This item has therefore been deleted.

(3) *Item (2) (New item).*—It is necessary to include a definition of the expression "City of Bangalore". Since it is proposed to appoint a Commissioner for the metropolitan area of Bangalore, the definition of "City of Bangalore" should be such as to include the municipal limits of the City of Bangalore and areas adjacent thereto which may be defined from time to time by the State Government,

(4) *Item (3)-(New item)*.—The Committee are of the opinion that the definitions included in Chapter VII should be included in Chapter I itself. Accordingly item (a) of original clause 81 has been inserted as new item (3) in this clause which defines the expression “common gaming-house”. The wording in this definition has been slightly altered and reference has also been made to ‘tent’ in addition to ‘building’ and ‘room’.

(5) *Item (7)-(New item)*.—The Committee are of the opinion that the definition of ‘gaming’ should not include all forms of wagering or betting but should be restricted to wagering or betting in connection with the playing of games of chance. They consider that the definition of ‘game of chance’ given in section 28 of the Betting and Gaming Act, 1963 (8 and 9 *Eliz.*, s. c. 60) may be adopted. The definition of the expression “gaming” in item (b) of original clause 81 of the Bill has accordingly been modified and included in this item.

(6) *Item (11)-(New item)*.—The definition of the expression “instruments of gaming” in item (c) of the original clause 81 has been included in this item.

(7) *Item (14)-(Original item (11))*.—The Committee are of the view that all places of public amusement whether admission thereto is on payment of money or not should be subject to control under the Act. The words “either on payment of money or with the intention that money may be collected from those admitted” have, therefore, been deleted in this item.

(8) *Items (21) and (22)-[Original items (18) and (19)]*.—In conformity with the provisions of clause 12, the definitions of the expressions “Subordinate Police” and “Superior Police” have been modified to include members of the Police Force of and below the rank of Inspector and those above the rank of Inspector, respectively.

9. *Clauses 19, 20 and 21—(Original clauses)*.—The Committee carefully considered whether it is necessary to entrust any power to the Divisional Commissioner relating to police administration in the division under his jurisdiction. They are of the opinion that the District Magistrate is the appropriate authority to exercise control over the administration of the police in the district and the higher officers of the Police Department should be in charge of the administration of the police in the divisions. They have accordingly deleted clauses 19, 20 and 21.

10. *Clause 24 (Original clause 27)*.—In view of the proposed amendment of article 311 of the Constitution it is not necessary to refer to the wording of the present clause (2) of article 311 in the first proviso to this clause. It is made clear that no order for

reducing and removing or dismissing a police officer should be passed except in accordance with provisions of article 311 of the Constitution.

It is also not necessary in this clause to make reference to consultation with the Public Service Commission as provision for this purpose has been made in article 320 of the Constitution of India. The second proviso has therefore been deleted and the first proviso suitably amended.

11. *Clause 25 (Original clause 28).*—The revisional power vested in the Government under sub-clause (2) of this clause should include a power to revise the appellate orders passed by the Inspector General of Police and other officers subordinate to him. Sub-clause (2) of this clause has therefore been suitably amended.

12. *Clause 28 (Original clause 31).*—The Committee are of the opinion that a police officer should not be concerned in any dealing in land either within the district in which he is employed or elsewhere except with the permission of his superior officers. The words “within the district wherein he is employed” in sub-clause (1) has accordingly been deleted.

13. *Clause 31 (Original clause 34).*—(1) The Commissioner or the District Magistrate is empowered under this clause to make rules or orders for the regulation of traffic and for preservation of order in public places, etc. Sub-clauses (2), (3), (4) and (6) of this clause lay down the conditions subject to which rules can be made under sub-clause (1). Since there is no reference to orders made under sub-clause (1) in the said sub-clauses, the provisions of the said sub-clauses will not be applicable to orders, but will be applicable only to rules. The Committee consider that the conditions laid down in sub-clauses (2), (3), (4) and (6) should be applicable to provisions made under sub-clause (1). As the subordinate legislative power of making rules is ordinarily exercised by Government the Commissioner and the District Magistrate may be empowered to make orders. The clause has accordingly been amended.

(2) *Sub-Clause (1)-(i) Item (f).*—The Committee consider that there should be power to regulate the movement of wild or dangerous animals through or in any street and also through or in any public place. This item has accordingly been amended.

(ii) *Item (l).*—It is desirable to ensure cleanliness and disinfection of premises not merely in cases of epidemic or infectious diseases of animals but also of birds. The reference to birds has therefore been inserted in this item.

(3) *Sub-clause (5)*.—The wording of this sub-clause has been modified to clarify the intention that the rules made under this clause in so far as they relate to public health, convenience or safety of any locality will be subject to the provisions of any law relating to municipalities or other local authorities in force in the locality, or any rule, regulation or bye-law made under such law.

(4) *Original sub-clause (8)*.—This sub-clause provides that it shall be the duty of all persons concerned to conform to any order duly made under this clause so long as the same shall be in operation. The committee consider that such a provision is not necessary as it is obligatory on all persons to act in conformity with the rules made under this clause. The sub-clause has accordingly been deleted.

14. *Clause 38 (Original clause 41)*.—Sub-clause (3)—The committee are of the opinion that it is not necessary to entrust the function of determining the disputes under this clause to the City Magistrate in the City of Bangalore and to the District Magistrates. This function can be performed by the judicial officer of the place exercising powers and performing the functions of a Magistrate of the First Class. The sub-clause has accordingly been amended.

15. *Clause 51 (Original clause 54)*.—Sub-clause (5).—Under this clause the District Magistrate has been empowered to award and apportion moneys recovered as compensation among the persons whom he considers are entitled to compensation in respect of loss or damage or death or grievous hurt suffered by them by anything done in the prosecution of the common object of an unlawful assembly. Sub-clause (5) precludes the institution of a civil suit in respect of loss or injury for which compensation has been granted under this clause. The Committee consider that it is not appropriate to prevent the persons who suffer loss or injury by the action of members of an unlawful assembly from instituting a Civil suit against such members. Sub-clause (5) should be restricted to barring suits against the Government or any officer of Government only. The sub-clause has accordingly been amended.

16. *Clause 81 (Original clause)*.—The definitions included in this clause have been included in clause 2. This clause has therefore been deleted.

17. *Clause 78 (New clause)*.—The Committee are of the opinion that apart from punishing gaming in common gaming houses it is also necessary to check gaming on horse-races, market prices of cotton and other commodities, on the digits of the numbers used in stating prices, etc., and that provision for this purpose may be made on the lines of section 4 of the Madras Gaming Act, 1930. This clause has therefore been inserted.

18. *Clause 79 (Original clause 82)*.—The committee are of the opinion that the maximum punishment for keeping common gaming

houses should be imprisonment which may extend to one year and fine. For the first offence the imprisonment should not be less than three months and the fine should not be less than five hundred rupees. For a second offence the imprisonment should not be less than six months and fine not less than five hundred rupees. For a third or subsequent offence the imprisonment should not be less than nine months and the fine should not be less than one thousand rupees. Necessary amendments have accordingly been made in the clause.

19. *Clause 80 (Original clause 83).*—The Committee are of the opinion that the maximum imprisonment for gaming in a common gaming house should extend to one year and fine. For a third or subsequent offence imprisonment should not be less than six months and the fine should not be less than five hundred rupees. The clause has been modified accordingly.

20. *Clause 83 (Original clause 86).*—The Committee consider that it is not necessary to empower the Magistrate to order any part of the proceeds or other moneys seized from a common gaming house or from other places of gaming to be paid to any person appearing to be entitled thereto, and consider that such moneys should be forfeited to the State Government. The clause has been amended accordingly.

21. *Clause 87 (Original clause 90).*—The Committee consider that the provision made in item (b) for punishment of persons setting birds or animals to fight in public places is not germane to gaming dealt with in Chapter VII; nor is such activity so common as to necessitate a provision in the Police Act. Item (b) has therefore been deleted.

22. *Clause 92 (Original clause 94).*—It is considered desirable to have a provision empowering the Government to extend the clauses of this section to any area for a limited period and to rescind them from any area to which they have been extended. Sub-clause (2) has accordingly been added to this clause.

23. *Clause 129 (New clause).*—The Committee are of the opinion that there should be a specific provision that the village police shall consist of a police patel and such village police officers of such grades as may be prescribed. This new clause has accordingly been inserted.

24. *Clause 130 (Original clause 131).*—The Committee consider that the control and direction of the village police should vest in the Government and not in the Divisional Commissioner. For the expression 'Divisional Commissioner' the word 'Government' has therefore been substituted in this clause.

25. *Clause 131 (Original clause 132).*—For the reason given for the amendment of clause 130 the change effected in that clause has also been made in this clause.

26. *Clause 132 (Original clause 133).*—(1) Sub-clause (1)—The Committee are of the opinion that it is not necessary or desirable to take the services of village officers for village police work. The provisos to this sub-clause have therefore been deleted.

(2) *Sub-clause (3) (New sub-clause).*—The Committee are of the opinion that it is necessary to empower the District Magistrate to appoint a police patel for more than one village. This sub-clause has accordingly been added.

27. *Clause 133 (Original clause 134).*—The Committee are of the opinion that a duty should be imposed on a police patel to arrest persons who he has reason to believe have committed cognizable offences. Item (vii) has accordingly been inserted in this clause.

28. *Clause 136 (Original clause 137).*—The Committee consider that the police patel should not be empowered to investigate any case but should be required to send a report of cognizable offences and should take necessary measures to preserve the evidence and protect properties connected with the offence pending the arrival of the jurisdictional police officer. The clause has accordingly been modified.

29. *Clause 137 (Original clause 138).*—Sub-clause (2)—The Committee are of the opinion that it is not appropriate to entrust the appellate powers over the orders of the District Magistrate to the Divisional Commissioner. They consider that this power may be entrusted to a suitable authority to be prescribed by rules. The sub-clause has been amended accordingly.

30. *Clause 141 (Original clauses 142 and 143).*—The Committee are of the opinion that the police patel should not have the power to examine witnesses, record evidence and search for concealed articles. This power should be exercised only by the regular police.

Sub-clause (1) of original clause 143 has therefore been deleted and sub-clause (2) of original clause 143 added as sub-clause (2) of the original clause 142 after deleting the reference 'to search' in the said sub-clause.

31. *Clause 143 (Original clause 145).*—The clause enables a police patel when he is unable to attend to his duties to place a competent member of his family or other competent person in the village to be in charge of his office. The Committee

consider that such a provision is not desirable. The only person who should be placed in charge of the office of the police patel should be a competent member of the village police. The clause has accordingly been amended.

32. *Clause 144 (Original clause 147).*—The designations of the members of the subordinate ranks may be in conformity with the present designations in the Mysore Special Armed Reserve Police. Item (d) has therefore been amended making reference to Subedar Major.

33. *Clause 145 (Original clause 148).*—As there are no groups in the Special Armed Reserve Police, references to groups in this clause have been deleted.

34. *Clause 146 (original clause).*—The Committee consider that there is no need for this clause. This clause has accordingly been deleted.

35. *Clause 161 (New clause).*—The Committee are of the opinion that it is necessary to confer the powers and impose the duties and liabilities of an ordinary police officer on a Reserve Police Officer except in so far as those powers, duties and liabilities are inconsistent with the provisions of Chapter X.

36. *Clause 170 (Original clause 172).*—*Sub-clause (1).*—The Committee are of the opinion that there should be no immunity to police officers from prosecutions or suits for offences or wrongful acts committed by them merely because of a lapse of six months from the date of the act. The necessary protection required for them can be ensured by requiring previous sanction of Government for a suit or prosecution against them, for offences or unlawful acts committed under colour of office or in excess of duty. This sub-clause has accordingly been amended.

37. *Clause 175 (New clause).*—In order to save action taken or to be taken under any provision or any rule which is rescinded after being in operation for some time, this clause has been included.

38. *Clause 176 (New clause).*—The Committee consider that it is necessary to make it clear that the provisions of clauses 79 and 80 will not apply to the playing of pure games of skill and wagering or betting by persons taking part in such games. This clause has accordingly been inserted.

39. *Clause 176.*—The Committee are of the opinion that in sub-clause (2) for the words "four months", the words "six months" may be substituted. The clause has therefore been amended.

40. Schedule I.—In view of the provision made in clause 123 (original clause 125) it is necessary to repeal the Police (incitement to Disaffection) Act, 1922 (Central Act 22 of 1922). This Act has therefore been included in the Schedule.

41. The other amendments made in the Bill are either consequential or intended to improve the wording.

42. The Joint Select Committee recommend that the Bill as amended be passed.

Bangaore, }
Dated 15th July 1963 }

R. M. PATIL,
Chairman,
Joint Select Committee.

APPENDIX I.

(*Vide* Para 3 of the Report).

Motion in the Legislative Assembly for reference of the Bill to a Joint Select Committee.

That the Mysore Police Bill, 1962, be referred to a Joint Select Committee consisting of a total number of 20 members, 15 members from the Legislative Assembly and 5 members from the Legislative Council, that the report of the Joint Select Committee be presented during the present Session of the Legislative Assembly, that the concurrence of the Legislative Council be obtained therefor and that the following members of this House shall be members of the Joint Select Committee, namely :—

Sriyuths :

D. Parameshwarappa,	A. S. Patil,	S. S. Kolkebail,
S. M. Krishna,	D. Venka'taramaiah,	B. M. Patil,
V. S. Patil,	J. P. Survesh,	K. S. Suryanarayana Rao,
B. Channabyregowda,	A. Sbaranappa,	G. Duggappa,
Andanaiah,	T. G. Satyanarayana,	C. M. Desai.

APPENDIX II

(*Vide* Para 4 of the Report).

Motion in the Legislative Council for reference of the Bill to a Joint Select Committee.

That this House concurs in the appointment of a Joint Select Committee to consider the Mysore Police Bill, 1962, consisting of a total number of 20 members, 15 members from the Legislative Assembly and 5 members from the Legislative Council and that the following members of this House shall be members of the Joint Select Committee, namely :—

Smt. S. H. Marker,
Sri V. Muniswamy,
„ P. M. Nādgonda,
„ M. P. Eswarappa,
„ C. S. Balakrishna Gowda.

MINUTE OF DISSENT

I. Having failed to persuade the Joint Select Committee to accept our suggestions for deletion and alteration of the following mentioned clauses in the Bill, we are constrained to write this note of dissent.

That under Chapter V of the Bill in Clauses 49, 50, 51, 52, 53 and 55, arbitrary powers are given to the executive authority not only to levy and collect punitive tax from the entire population of the area for the act committed by one or some persons of that area, but also the power of externing any citizen from any area without even proper proof of his guilt, on the mere imagination or apprehension of his indulging in undesirable activities.

That we do not accept the principle of vicarious liability of all the inhabitants of an area for an offence committed by one or some persons from that area. And, if suppose the people of any particular area in toto are kept in view as criminals, that is not a happy sign to call ourselves as a civilized society.

The citizen of this country is guaranteed a fundamental right to reside and carry on any lawful avocation in any part of the country, and empowering the executive authority to extern any person on mere apprehension from any area infringes this right atleast in spirit.

Therefore, we strongly feel that unless the following clauses are deleted and altered, this portion of the law will be an obnoxious piece of legislation not meant for civilized society. And, empowering the police and executive authority with such arbitrary powers at a time when we do not have a perfectly fair, honest and efficient administration is really abhorring.

Hence, we suggest the deletion of "The cost of the additional Police shall be a tax imposed under this section and shall be recovered in the manner prescribed in the succeeding sub-section" from sub-clause (b) of clause 49 (1) and also clause 49 (2), (3), (4), (5), (6), (7) and (8) with explanation and also clauses 50, 51, 52, 53, 55, with necessary consequential changes in other Clauses.

II. Since it is the general experience that the appellate authority inordinately delays in deciding the matter which is

oppressive to the delinquent, it is desirable to fix a time limit for the decision in the matter. Hence, the following should be added at the end of clause 25.

“The appellate authority shall decide the matter within six months from the date of filing the appeal in question.”

M. P. ESWARAPPA,
M. L. C.

C. S. BALAKRISHNA GOWDA,
M. L. C.

B. CHANNABYRE GOWDA
M. L. A.

BANGALORE,

Dated 15th July 1963 }

THE MYSORE POLICE BILL, 1962.

Arrangement of Clauses.

CHAPTER I.

PRELIMINARY.

PREAMBLE.

Clauses.

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

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- 3 One Police Force for the whole State.
- 4 Superintendence of Police Force to vest in the Government.
- 5 Constitution of Police Force.
- 6 Inspector-General and Deputy Inspector-General.
- 7 Commissioner.
- 8 Appointment of Superintendents, Additional, Assistant and Deputy Superintendents.
- 9 Appointment of Superintendents for wireless system and motor transport system or for any special duty.
- 10 Principal, Police Training School.
- 11 Deputies and Assistants to the Commissioner.
- 12 Appointment of subordinate police.
- 13 Certificates of appointment.
- 14 Effect of suspension of Police Officer.
- 15 General powers of Commissioner and Superintendent.
- 16 Superintendent of Police to be the head of the Police in the District subject to the general control of the District Magistrate.
- 17 Power of District Magistrate to require reports from Superintendent.
- 18 Power of supervision by District Magistrates.
- 19 Special Police Officers.
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- 21 Framing of Rules for administration of the Police.
- 22 Inspector-General or Commissioner may call for returns.
- 23 Disciplinary penalties.
- 24 Procedure to be observed in awarding punishment.
- 25 Appeals and Revision.
- 26 Police Officers to be deemed to be on duty and to be liable to employment in any part of the State.
- 27 Under what conditions Police Officer may resign.
- 28 Police Officer not to engage in trade, etc.
- 29 Certificates, arms, etc., to be delivered up by person ceasing to be a Police Officer.
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- 32 Authorisation of erection of barriers on streets.
- 33 Power to make rules prohibiting disposal of the dead except at place set apart.
- 34 Power of Commissioner or the Superintendent and of other officers to give direction to the public.
- 35 Power to prohibit certain acts for prevention of disorder.
- 36 Power to prohibit, etc., continuance of music, sound or noise.
- 37 Licensing use of loudspeakers, etc.
- 38 Issue of orders for prevention of riot, etc.
- 39 Issue of orders for maintenance of order at ceremonials, etc.
- 40 Police to provide against disorder, etc., at places of amusement and public meetings.
- 41 Discontinuance of lodging house of disorderly persons.
- 42 Special measures to prevent outbreak of epidemic disease at fair, etc.
- 43 Destruction of stray dogs.
- 44 Destruction of suffering or unfit animals.
- 45 Powers under this Chapter to be exercised by Superintendent subject to the control of District Magistrate and Commissioner and by District Magistrates subject to the control of the State Government.

CHAPTER V.

SPECIAL MEASURE FOR MAINTENANCE OF PUBLIC ORDER
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RIOT COMPENSATION, ITS ASSESSMENT AND RECOVERY.

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- 47. Employment of additional Police at large works and when apprehension regarding behaviour of employees exists.
- 48. Recovery of cost of additional Police employed under sections 49 and 50.
- 49. Employment of additional Police in cases of special danger to public peace.
- 50. Compensation for injury caused by unlawful assembly how recoverable.
- 51. District Magistrate to award or to apportion compensation among persons.
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- 57. Period of operation of orders under section 54, 55 or 56.
- 58. Hearing to be given before an order is passed under section 54, 55 or 56.
- 59. Appeal.
- 60. Finality of orders.
- 61. Procedure on failure of person to leave the area and his entry therein after removal.
- 62. Temporary permission to enter or return to the area from which a person was directed to remove himself.
- 63. Powers of Government or of officers specially empowered to extern.

III CONTROL OF CAMPS, PARADES, ETC., AND USE OF CERTAIN UNIFORMS.

- 64. Control of camps, parades, etc., and banning use of uniform, etc.

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- 65. Duties of a Police Officer.
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- 67. Power to search suspected persons in a street.
- 68. Duties of Police Officers towards the public.

- 69 Police to regulate traffic; etc., in streets.
- 70 Persons bound to conform to reasonable directions of Police.
- 71 Powers of Police Officer to restrain, remove, etc.
- 72 Enforcement of orders issued under section 35, 36 or 38.
- 73 Duty of Police to see orders issued under section 42, 54, 55, 56 or 63 are carried out.
- 74 When Police Officer may arrest without warrant.
- 75 Police to take charge of unclaimed property.
- 76 Police Officer may take charge of stray cattle.
- 77 A Superior Police Officer may himself perform duties imposed on his inferior, etc.

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- 78 Opening, etc., of certain forms of gaming.
- 79 Keeping common gaming-house.
- 80 Gaming in common gaming-house, etc.
- 81 Entry, search, etc., by police officers in gaming-house.
- 82 Presumptive proof of keeping or gaming in common gaming-house.
- 83 On conviction under sections 78, 79 and 80 instruments of gaming may be destroyed.
- 84 Proof of playing for money not required for conviction.
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- 88 Power to arrest without warrant persons gaming in public places.
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- 95 False alarm of fire or damage to fire alarm.
- 96 Being found under suspicious circumstances between sunset and sunrise.
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- 99 Omission by pawnbrokers, etc., to report to the Police the possession or tender of property suspected to be stolen.
- 100 Melting, etc., of such property.
- 101 Taking pledge from a child.
- 102 Penalty for permitting disorderly conduct at places of public amusements, etc.
- 103 Penalty for contravention of orders under section 31.
- 104 Liability of licensee of place of public entertainment for acts of servants.
- 105 Penalty for not obtaining a licence or for not renewing the licence within the specified period in respect of public entertainment.
- 106 Penalty for disobedience to order under section 30.
- 107 Penalty for contravening rules, etc., under section 33 or 34.
- 108 Penalty for contravention of rules or directions under sections 35, 38 or 39.
- 109 Penalty for contravening orders under section 36 or 37.
- 110 Penalty for contravening direction under section 40 or order under section 41.
- 111 Penalty for contravention of a regulation made under section 42.
- 112 Penalty for contravening directions under section 70.
- 113 Penalty for contravention of directions under sections 54, 55, 56 or 63.
- 114 Penalty for entering area from which person has been directed to remove himself.
- 115 Penalty for failure to surrender in accordance with sub-section (3) of section 62.
- 116 Penalty for contravention of orders under section 64.
- 117 Neglect or refusal to serve as Special Police Officer.
- 118 Penalty for making false statement, etc., and for misconduct of Police Officer.
- 119 Penalty for failure to deliver up certificate of appointment or of office or other article.
- 120 Vexatious entry, search, arrest, etc., by a Police Officer.
- 121 Penalty for vexatious delay in forwarding a person arrested.
- 122 Penalty for opposing or not complying with direction given under section 75.
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- 131 Power to delegate.
- 132 Village Police in village to be under charge of Police Patel.
- 133 Duties of Police Patel.
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[AS REPORTED BY THE JOINT SELECT COMMITTEE].

(Words underlined or side-lined indicate the amendments suggested by the Committee; omissions are indicated by asterisks).

THE MYSORE POLICE BILL, 1963.

A Bill to provide for a uniform law for the regulation of the Police Force, the maintenance of public order and other matters in the State of Mysore.

WHEREAS it is expedient to provide for a uniform law for the regulation of the Police Force in the State of Mysore, for the exercise of powers and performance of functions by the State Government and by the members of the said force, for the maintenance of public order, for the prevention of gaming, and for certain other purposes hereinafter appearing;

BE it enacted by the Mysore State Legislature in the Fourteenth Year of the Republic of India as follows:—

CHAPTER I.

PRELIMINARY.

1. Short title, extent and commencement.—(1) This Act may be called the Mysore Police Act, 1963.

(2) It extends to the whole of the State of Mysore.

(3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. Definitions.—In this Act, unless the context otherwise requires,—

(1) “cattle” means cows, bullocks, bulls, calves, buffaloes, elephants, camels, horses, mares, geldings, ponies, colts, fillies, asses, mules, pigs, rams, ewes, sheep, lambs, goats and kids;

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(2) “City of Bangalore” means the area within the limits of the City of Bangalore as defined for the time being in the City of Bangalore Municipal Corporation Act, 1949 (Mysore Act LXIX of 1949) and includes such other areas adjacent to such limits up to such distance as the Government may from time to time by notification in the Official Gazette specify;

(3) "common gaming-house" means a building, room, tent, enclosure, vehicle, vessel or place in which any instruments of gaming are kept or used for the profit or gain of the person owning, occupying, or keeping such building, room, tent, enclosure, vehicle, vessel or place, or of the person using such building, room, tent, enclosure, vehicle, vessel or place, whether he has a right to use the same or not, such profit or gain being either by way of a charge for the use of the instruments of gaming or of the building, room, tent, enclosure, vehicle, vessel or place, or otherwise howsoever or as subscription or other payment for the use of facilities along with the use of the instruments of gaming or of the building, room, tent, enclosure, vehicle, vessel or place for purposes of gaming ;

Explanation.—In this clause "person" includes a company, association, club or other body of persons whether incorporated or not.

(1) the expression "competent authority" when used with reference to the exercise or performance of any power, duty or function under the provisions of this Act, means,—

(a) in relation to the City of Bangalore and other areas for which a Commissioner of Police is appointed under section 7, the Commissioner ;

(b) in relation to the areas other than those referred to in clause (a), the District Magistrate or the Superintendent or the Additional Superintendent, or, the Assistant or Deputy Superintendent when specially empowered in that behalf by the Government ;

(5) "district" means a territorial division constituting a district for the purposes of the Code of Criminal Procedure, 1898 but does not include the City of Bangalore or any area specified under sub-section (1) of section 7 ;

(6) (a) "District Magistrate" means the Deputy Commissioner of the revenue district exercising the powers of a District Magistrate or an Additional District Magistrate ;

(b) "Sub-Divisional Magistrate" means the Assistant Commissioner in charge of a revenue sub-division exercising the powers of a magistrate of the first class ;

(7) "gaming" does not include a lottery but includes all forms of wagering or betting in connection with any game of chance, except wagering or betting on a horse-race, when such wagering or betting takes place—

(i) on the day on which such race is run ; and

(ii) in an enclosure which the licensee of the race-course, on which such race is to be run, has set apart for the

purpose under the terms of the licence issued under section 4 of the Mysore Race Courses Licensing Act, 1952 (Mysore Act VIII of 1952) in respect of such race course; and

- (iii) between any person being present in such enclosure, on the one hand and such licensee or other person licensed by such licensee in terms of the aforesaid licence on the other in such manner and by such contrivance as may be permitted by such licence.

Explanation.—In this clause,—

- (i) 'wagering or betting,' includes the collection or soliciting of bets, the receipt or distribution of winnings or prizes, in money or otherwise, in respect of any act which is intended to aid or facilitate wagering or betting or such collection, soliciting, receipt or distribution;
- (ii) 'game of chance' includes a game of chance and skill combined and a pretended game of chance or of chance and skill combined, but does not include any athletic game or sport;
- (8) "Government" means the State Government;
- (9) "Head Constable" means an officer of and above the rank of a Constable and a "Constable" means a Police Officer of the lowest grade;
- (10) "Inspector-General", "Commissioner", "Deputy Inspector-General", "Deputy Commissioner", "Assistant Commissioner", "Superintendent", "Additional Superintendent", "Assistant Superintendent", and "Deputy Superintendent" mean respectively, the Inspector-General of Police, a Commissioner of Police, a Deputy Inspector-General of Police, a Deputy Commissioner of Police, an Assistant Commissioner of Police, a Superintendent of Police, an Additional Superintendent of Police, an Assistant Superintendent of Police and a Deputy Superintendent of Police appointed or deemed to be appointed under this Act;
- (11) "instruments of gaming" includes any article used or intended to be used as a subject, or means of gaming, any document used or intended to be used as a register or record or evidence of any gaming, the proceeds of any gaming and any winnings or prizes in money or otherwise distributed or intended to be distributed in respect of any gaming;
- (12) "municipality" means a municipality constituted or deemed to be constituted under any law relating to municipalities for the time being in force in the State of Mysore or any part thereof;
- (13) "place" includes a building, a tent, a booth or other erection, whether permanent or temporary, or any area whether enclosed or open;

(14) "place of public amusement" means any place, where music, singing, dancing, or any diversion, or game, or the means of carrying on the same is provided and to which the public are admitted

and includes a race course, circus, theatre, music hall, billiard room, beagattelle room, gymnasium, fencing school, swimming pool or dancing hall;

(15) "place of public entertainment" 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 an interest in or managing such place and includes a refreshment room, eating house, coffee house, liquor house, boarding house, lodging house, hotel, tavern, or a shop where wine, beer, spirit, arrack, toddy, ganja, or other kind of liquor or intoxicant * or * any kind of food or drink is supplied to the public for consumption in or near such shop;

(16) "police officer" means any member of the police force appointed or deemed to be appointed under this Act and includes a special or an additional police officer appointed under section 19 or 20;

(17) "prescribed" means prescribed by rules;

(18) "public place" includes the foreshore, the precincts of every public building or monument, and all places accessible to the public for drawing water, washing or bathing or for the purpose of recreation;

(19) "rules" means rules made under this Act;

(20) "street" includes any highway, bridge, way over a causeway, viaduct, arch, quay or wharf or any road, lane, footway, square, court, alley or passage accessible to the public, whether a thoroughfare or not;

(21) "Subordinate Police" means members of the Police Force of and below the rank of Inspector;

(22) "Superior Police" means members of the Police Force above the rank of Inspector;

(23) "vehicle" means any carriage, cart, van, dray, truck, hand-cart or other conveyance of any description and includes a bicycle, tricycle, a rickshaw, an automatic car, a vessel or an aeroplane.

(24) Words and expressions not defined in this Act and which are defined in the Code of Criminal Procedure, 1898 (Central Act V of 1898) shall have the same meaning as in that Code.

CHAPTER II.

SUPERINTENDENCE, CONTROL AND ORGANISATION
OF THE POLICE FORCE.

3. One Police Force for the whole State.—There shall be one Police Force for the whole of the State :

Provided that the members of the Police Forces constituted under any of the Acts mentioned in Schedule I, immediately before the coming into force of this Act, shall be deemed to be the members of the said Police Force.

4. Superintendence of Police Force to vest in the Government.—The superintendence of the Police Force throughout the State vests in and is exercisable by the Government and any control, direction or supervision exercisable by any officer over any member of the Police Force shall be exercisable subject to such superintendence.

5. Constitution of Police Force.—Subject to the provisions made under Article 309 of the Constitution and the provisions of this Act,—

(a) the Police Force shall consist of such number in the several ranks and have such organisation and such powers, functions and duties as the Government may by general or special order determine :

(b) the recruitment, pay, allowances and all other conditions of service of the Police Force shall be such as may from time to time be prescribed :

Provided that—

- (i) the rules or orders governing the recruitment, pay, allowances and other conditions of service of the members of the Police Forces referred to in the proviso to section 3 shall continue in force until altered or cancelled in accordance with the provisions of this Act ;
- (ii) nothing in this clause shall apply to the recruitment, pay, allowances and other conditions of service of the members of the Indian Police and the Indian Police Service.

6. Inspector-General and Deputy Inspector-General.—(1) For the direction and supervision of the Police Force, the Government shall appoint an Inspector-General of Police who shall subject to the control of the State Government 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.

(2) (a) The Government may appoint such number of Deputy Inspectors-General as it may deem fit.

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

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

7. Commissioner.—(1) The Government may appoint a Police Officer not below the rank of a Deputy Inspector-General of Police to be the Commissioner of Police for the City of Bangalore or any other area specified in a notification issued by the Government in this behalf and published in the official Gazette.

(2) 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 as may otherwise be directed by the Government by a general or special order :

Provided that the Government may direct that any of the powers, functions, duties, responsibilities or authority exercisable or to be performed or discharged by the Commissioner shall be exercised, performed or discharged subject to the control of the Inspector-General :

Provided also that in any area for which a Commissioner is appointed and is empowered to exercise any power or perform any function or duty under this Act, the District Magistrate shall not exercise the same power or perform the same function or duty notwithstanding the fact that such area forms part of a District within the territorial jurisdiction of the District Magistrate :

Provided further that the area for which a Commissioner has been appointed, under this section shall not, unless otherwise provided by or under this Act, be under the charge of a Superintendent for any of the purposes of this Act, notwithstanding the fact that such area forms part of a district within the territorial jurisdiction for which a Superintendent may have been appointed.

8. Appointment of Superintendent, Additional, Assistant and Deputy Superintendents.—(1) The Government may appoint for each district or for a part of a district or for one or more districts a Superintendent and one or more Additional Superintendents and such Assistant and Deputy Superintendents of Police, as it may think expedient.

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

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

9. Appointment of Superintendents for wireless system and motor transport system or for any special duty.—The Government may appoint for the whole of the State of Mysore or any part thereof one or more Superintendents of Police as it may think fit—

(1) for the police wireless system ;

(2) for the police Motor Transport system ; or

(3) for the Railway Police ; or

(4) for the performance of such specific duties as the Government may from time to time determine in this behalf,

and the Superintendent so appointed shall exercise such powers and perform such functions as the Government may from time to time assign to him provided that such powers and functions shall be exercised or performed subject to the control of the Inspector-General.

10. Principal, Police Training School or College.—The Government may appoint any Police Officer not below the rank of a Superintendent to be the Principal of a Police Training School, or College, and may assign to him such powers, functions and duties as it may think fit.

11. Deputies and Assistants to the Commissioner.—(1) The Government may appoint one or more Deputy Commissioners not below the rank of a Superintendent and one or more Assistant Commissioners of Police not below the rank of an Assistant Superintendent or Deputy Superintendent in the City of Bangalore or in any area in which a Commissioner has been appointed under sub-section (1) of section 7.

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

Provided that the powers to be exercised by the Commissioner of making, altering or rescinding rules under section 31 shall not be exercisable by a Deputy or Assistant Commissioner.

12. Appointment of subordinate police.—Subject to such rules as the Government may from time to time make, the appointment of Police Officers of and below the rank of Inspectors shall be made by the prescribed authority.

13. Certificates of appointment.—(1) Every Police Officer of and below the grade of Inspector shall, on appointment receive a certificate in the form provided in Schedule I. The certificate shall be issued under the seal of such officer as the Government may by general or special order direct.

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

14. Effect of suspension of Police Officer.—The powers, functions and privileges vested in a Police Officer shall remain suspended whilst such Police Officer is under suspension from office:

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

15. General powers of Commissioner and Superintendent.—The Commissioner, subject to the orders of the Inspector-General of Police and the Superintendent, subject to the orders of the Inspector-General and the Deputy Inspector-General of Police, shall within their respective spheres of authority, direct and regulate all matters of arms, drill, exercise, observation of persons and events, mutual relations, distribution of duties, study of laws, orders and modes of proceedings and all matters of executive detail or the fulfilment of their duties by the Police Force under him.

16. Superintendent of Police to be the head of the Police in the district, subject to the general control of the District Magistrate.—(1) The Superintendent of Police shall be the head of the police in the district or part of the district for which he is appointed as Superintendent.

(2) The administration of the Police in a district or part of a district by the Superintendent of Police shall be subject to the general control of the District Magistrate of the District. * *

(3) In exercising such control, the District Magistrate shall be governed by such rules and orders as the Government may make in this behalf.

17. Power of District Magistrate to require reports from Superintendent.—The District Magistrate may require from the Superintendent reports, either particular or general, on any matter connected with the crimes, habitual offenders, the prevention of disorder, the regulation of assemblies and amusements, the distribution of the Police Force, the conduct and character of any Police Officer subordinate to the Superintendent, the utilization of auxiliary means and all other matters in furtherance of his control of the Police Force and the maintenance of order.

18. Power of supervision by District Magistrates.—If the District Magistrate observes any marked incompetence or unfitness for the locality or for his particular duties, in any Police Officer subordinate to the Superintendent, he may require the Superintendent to substitute another officer for any officer whom he has power to transfer and the Superintendent shall be bound to comply with the requisition :

Provided that if the Police Officer concerned is an officer of the grade not below that of an Inspector, the District Magistrate may report his conduct to the Inspector-General. The Inspector-General may, thereafter, determine the action to be taken and pass such orders as he thinks fit, and shall communicate such action or order to the District Magistrate.

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20.	*	*	*	*	*	*
21.	*	*	*	*	*	*

19. Special Police Officers.—Whenever it shall appear on an application of any Police Officer not below the rank of Sub-Inspector, that any unlawful assembly or riot or disturbance of the peace has taken place or may be reasonably apprehended in any place and that the Police force ordinarily employed in the place is not sufficient for its preservation and for the protection of the inhabitants and the security of property in the place, the Commissioner, the Superintendent or any First Class Magistrate, or any other Magistrate specially empowered in this behalf by Government, may by a written order signed by himself and sealed with his own seal appoint any able-bodied male person, whom he considers fit and who is between the ages of eighteen and fifty and resident in any neighbourhood to be a Special Police Officer to assist the Police Force, during such time and within such limits as the Commissioner, the Superintendent or Magistrate shall deem necessary.

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

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

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

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

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

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

CHAPTER III.

REGULATION, CONTROL AND DISCIPLINE OF THE POLICE FORCE.

21. Framing of rules for administration of the Police.—Subject to the orders of the Government, the Inspector-General may make rules or orders not inconsistent with this Act or with any other enactment for the time being in force—

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

(c) prescribing the places of residence of members of the Police Force;

(d) for the institution, management and regulation of any Police fund for any purpose connected with Police administration;

(e) regulating, subject to the provisions of section 16, the distribution, movements and location of the Police;

(f) assigning duties to Police Officers of all ranks and grades and prescribing—

(i) the manner in which, and

(ii) the conditions subject to which, they shall exercise and perform their respective powers and duties;

(g) regulating the collection and communication by the Police of intelligence and information;

(h) generally, for the purpose of rendering the Police efficient and preventing abuse or neglect of their duties;

(i) prescribing the books and registers to be maintained and the returns to be submitted by the several Police Officers.

22. Inspector-General may call for returns.—The Inspector-General may, subject to the rules and orders of the Government, call for such returns, reports and statements on subjects connected with the suppression of crime, the maintenance of order and performance of their duties as his subordinates may be able to furnish to him. The Inspector-General shall communicate to the District Magistrate any general orders issued by him for the purpose aforesaid or in consequence of the information furnished to him and also any orders, which the Government may direct.

23. Disciplinary penalties.—(1) The Government and any prescribed officer may subject to such conditions and restrictions as may be prescribed, impose on any member of the Police Force who in the opinion of the Government or the prescribed officer is cruel, perverse, remiss or negligent in the discharge of his duty or unfit for the same or guilty of any breach of discipline or misconduct or for any other sufficient reason, the following penalties, namely:—

(a) (i) censure;

(ii) withholding of increments or promotion;

(iii) recovery from pay of the whole or part of any pecuniary loss caused by negligence or breach of orders to the State Government or to the Central Government, any other State Government, any person, body or authority, to whom the services of the officer had been lent;

- (iv) suspension ;
- (b) (i) reduction to a lower service, grade or post, or to a lower time scale, or to a lower stage in a time scale ;
 - (ii) compulsory retirement ;
 - (iii) removal from service ;
 - (iv) dismissal from service ;
- (c) (i) entry of a blackmark against his name in the prescribed manner ;
 - (ii) punishment drill ;
 - (iii) extra guard, fatigue or other duty ;
 - (iv) fine ;

Provided that the penalties specified in clause (c) shall not be imposed on any officer of or above the rank of a Sub-Inspector :

Provided further that the following shall not amount to a penalty within the meaning of this section :—

(i) withholding of increments of a police officer for failure to pass a departmental examination in accordance with the rules or orders governing the service or post or the terms of his appointment ;

(ii) stoppage of a police officer at the efficiency bar in the time-scale on the ground of his unfitness to cross the bar ;

(iii) non-promotion, whether in a substantive or officiating capacity, of a police officer, after consideration of his case, to a class, grade or post for promotion to which he is eligible ;

(iv) reversion to a lower class, grade or post of a police officer officiating in a higher class, grade or post on the ground that he is considered, after trial, to be unsuitable for such higher class, grade or post or on administrative grounds unconnected with his conduct (such as the return of the permanent incumbent from leave or deputation, availability of a more suitable officer and the like) ;

(v) reversion to his permanent class, grade or post of a police officer appointed on probation to another class, grade or post during or at the end of the period of probation in accordance with the terms of his appointment or the rules and orders governing probation ;

(vi) compulsory retirement of a police officer in accordance with the provisions relating to his superannuation or retirement ;

(vii) termination of the service—

(a) of a person employed under an agreement, in accordance with the terms of such agreement ; or

(b) of a person appointed, otherwise than under an agreement, to hold a temporary appointment on the expiration of the period of the appointment.

(2) Nothing in sub-section (1)—

- (a) shall affect any liability of a Police Officer to a criminal prosecution for any offence with which he may be charged ;
- (b) shall entitle any authority subordinate to that by which the Police Officer was appointed, to compulsorily retire remove or dismiss him ; or
- (c) shall apply to any member of the Indian Police and the Indian Police Service.

24. Procedure to be observed in awarding punishment.—When any order of punishment has to be passed against a Police Officer, under section 23, such procedure as may be prescribed by rules shall be followed :

Provided that no order for reducing, * * * removing or dismissing a Police Officer shall be passed except in accordance with the provisions of Article 311 of the Constitution.

* * * * *

25. Appeals and revision.—(1) An appeal against any order passed against a police officer under section 23 shall lie to the Government or to such officer as the Government may by general or special order specify :

Provided that no appeal shall lie in case the penalties imposed are those specified in sub-clauses (ii) and (iii) of clause (c) of sub-section (1) of section 23.

(2) The Government may *suo motu* or otherwise after calling for the records of the case revise any order under section 23 or sub-section (1) of this section passed by the Inspector-General or any officer subordinate to him, and—

- (a) confirm, modify or set aside the order ;
- (b) impose any penalty or set aside, reduce, confirm or enhance the penalty imposed by the order ;
- (c) remit the case to the authority which made the order or to any other authority directing such further action or inquiry as it considers proper in the circumstances of the case ; or
- (d) pass such other orders as it deems fit :

Provided that—

- (i) an order imposing or enhancing a penalty shall not be passed unless the person concerned has been given an opportunity of making any representation which he may wish to make against such enhanced penalty ;
- (ii) if the Government proposes to impose any of the penalties specified in clauses (i) to (iv) of sub-clause (b) of sub-section (1) of section 23 in a case where an inquiry has not been held, it shall direct that such inquiry be held and thereafter on consideration of the proceedings of such inquiry and after giving the person concerned an opportunity of making any representation which he may wish to make against such penalty, pass such orders as it may deem fit.

26. Police Officers to be deemed to be on duty and to be liable to employment in any part of the State.—(1) Every Police Officer, not on leave or under suspension, shall for all purposes of this Act, be deemed to be always on duty and any Police Officer or any member or body of Police Officers allocated for duty in one part of the State may, if the Government or the Inspector-General so directs at any time, be employed on police duty in any other part of the State, for so long as the services of the same may be there required.

(2) Timely intimation shall, except in cases of extreme urgency, be given to the Commissioner, the District Magistrate and the Deputy Inspector-General by the Inspector-General of any proposed direction to any number or body of Police Officers under sub-section (1) and except, where secrecy is necessary, the reasons for such direction shall be explained; whereupon the officers aforesaid and their subordinates shall give all reasonable furtherance to such direction.

27. Under what conditions Police Officer may resign.—(1) Except with the written permission of the Commissioner, the Deputy Inspector-General or of some other Police Officer empowered by the Inspector-General in this behalf, no Police Officer of or below the rank of Inspector shall resign his office or withdraw himself from the duties thereof :

Provided that subject to the provisions of sub-section (2) no such permission shall be granted to any such Police Officer until he has fully discharged any debt due by him as such Police Officer to Government or to any Police Fund.

(2) If any such Police Officer produces a certificate signed by the prescribed Medical Officer in the district declaring him to be

unfit by reason of disease, or mental or physical incapacity for further service in the Police, the necessary written permission to resign shall forthwith be granted to him on his discharging or giving satisfactory security for the payment of any debt due by him as such Police Officer to the Government or to any Police Fund.

(3) If any such Police Officer, as aforesaid, resigns or withdraws himself from the duties of his office in contravention of this section, he shall be liable on the order of the Inspector-General of Police or of the Commissioner to forfeit all arrears of pay then due to him. This forfeiture shall be in addition to the penalty to which the said officer is liable under section 120 of this Act, or any other law in force.

28. Police Officer not to engage in trade, etc.—(1) Without the permission of the Commissioner, or the Inspector-General or Deputy Inspector-General or of Government, as the case may be, no Police Officer shall engage in trade or be in any way concerned either as principal or as agent in any dealing in land * * * * * or in any commercial transaction whatever or bid for property sold by order of a criminal court, or have money transactions with any other Police Officer.

(2) No Police Officer shall, unless with the written permission of the Inspector-General, hold any office or practice in any profession or engage in any employment whatever other than his office or duties as such Police Officer.

Explanation.—The prohibitions in sub-sections (1) and (2) shall apply when a Police Officer is on leave or under suspension as well as when he is on duty.

29. Certificate, arms, etc., to be delivered up by person ceasing to be a Police Officer.—(1) Every person who for any reason ceases to be a Police Officer shall forthwith deliver up to the officer empowered by the Commissioner or the Deputy Inspector-General, or the Principal of the Police Training School, or College, or the Superintendent, to whom such Police Officer is subordinate, to receive the same his certificate of appointment or of office and the arms, accoutrements, clothing and other necessaries which have been furnished to him for the performance of duties and functions connected with his office.

(2) Any Magistrate, and, for special reasons, which shall be recorded in writing at the time, the Commissioner or the Deputy Inspector-General, or the Principal of the Police Training School, or College, any Superintendent, Assistant Superintendent, or Deputy

Superintendent may issue a warrant to search for and seize, wherever they may be found, any certificate, arms, accoutrements, clothing or other necessaries not so delivered up. Every warrant issued shall be executed in accordance with the provisions of the Code of Criminal Procedure, 1898, by a Police Officer, or if the Magistrate, the Commissioner, the Deputy Inspector-General, the Principal of the Police Training School, or College, the Superintendent, or the Assistant Superintendent, or Deputy Superintendent, issuing the warrant so directs, by any other person.

(3) Nothing in this section shall be deemed to apply to any article, which, under the orders of the Inspector-General, or the Commissioner, as the case may be, has become the property of the person to whom the same was furnished.

30. Occupation of and liability to vacate premises provided for Police Officers.—(1) Any Police Officer occupying any premises provided by the Government for his residence—

(a) shall occupy the same subject to such conditions and terms as may, generally or in special cases, be specified by the Government, and

(b) shall, 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 Government in this behalf thinks it necessary and expedient to require him to do so.

(2) If any person who is bound or required under sub-section (1), to vacate any premises fails to do so, the Government or any officer authorised by it in this behalf may order such person 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.

CHAPTER IV.

POLICE REGULATIONS.

31. Power to make orders for regulation of traffic and for preservation of order in public places, etc.—(1) The Commissioner and the District Magistrate, in areas under their respective charges or any part

thereof, may make, alter or rescind * * orders not inconsistent with this Act, for—

- (a) licensing and controlling persons offering themselves for employment at quays, wharves and landing places, bus stands and outside railway stations, for the carriage of passengers' baggages, and fixing and providing for the enforcement of a scale of charges for the labour of such persons so employed ;
- (b) regulating the conditions under which vehicles may remain standing in streets and public places, and the use of streets as halting places for vehicles or cattle ;
- (c) prescribing the number and position of lights to be used on vehicles in streets and the hours between which such lights shall be used ;
- (d) licensing, controlling or prohibiting the display of any pictures, advertisements, news boards, or public notices upon a vessel or boat in territorial waters or on inland waterways other than national waterways ;
- (e) prescribing certain hours of the day during which animals shall not be driven along the streets or along certain specified streets, except subject to such regulations as he may prescribe in that behalf ;
- (f) regulating the leading, driving, conducting or conveying of any elephant or wild or dangerous animal through or in any street or public place ;
- (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 regulations as he may prescribe in that behalf, the exposure or movement in any street of persons or animals suffering from contagious or infectious diseases and the carcasses of animals or parts thereof and the corpses of persons deceased ;

- (j) prescribing 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 subject to such rules as he may make in that behalf ;
- (k) setting apart places for the slaughtering of 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 or birds, the clearliness and disinfection of premises by the occupier thereof and residents therein and the segregation and management of the persons or animals deceased or supposed to be deceased, as may have been directed or approved by the Government with a view to prevent the disease or to check the spreading 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 blowing or sounding of horns or other noisy instruments in or near streets or public places ;
- (o) regulating the conduct of and behaviour or action of persons, constituting assemblies and processions on or along the streets and prescribing 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 or structure so as to obstruct the traffic or the free access of light and air ;
- (q) prohibiting, except under such reasonable rules as he may make, the placing of building materials or other articles or the fastening or detention of any horse or other animals in any street or public place ;

- (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 buildings abutting thereon by persons other than servants of Government or 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 fire to or burning any straw or other matter, or lighting a bonfire or wantonly discharging a fire-arm or air gun, or letting off, or throwing a fire-work, or sending up a fire balloon or rocket in or upon 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 subject to such reasonable rules, as he may make in that behalf;
- (v) regulating the hours during which and the manner in which any place for the disposal of the dead, any Dharmashala, or village-gate or other place of public resort may be used so as to secure the equal and appropriate application of its advantages and accommodation and to maintain orderly conduct amongst those who resort thereto;
- (w) (i) licensing or controlling places of public amusement or entertainment;
- (ii) prohibiting the keeping of places of public amusement or entertainment or assembly, in order to prevent obstruction, inconvenience, annoyance, risk, danger or damage to the residents or passengers in the vicinity;
 - (iii) regulating the means of entrance and exit at places of public amusement or entertainment or assembly and providing for the maintenance of public safety and the prevention of disturbance thereat;

- (x) (i) licensing or controlling with such exceptions as may be specified, the musical, dancing, mimetic, or theatrical or other performances for public amusement, including *melas* and *tamashas* ;
- (ii) regulating in the interest of public order, decency or morality or in the interest of general public, the employment of artists, and the conduct of the artists and the audience at such performances ;
- (iii) prior scrutiny of such performance by a Board appointed by the Government or by an Advisory Committee appointed by the Commissioner or the District Magistrate in this behalf ;
- (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) prescribing the procedure in accordance with which any licence or permission sought to be obtained or required under this Act should be applied for, and fixing the fees to be charged for any such licence or permission :

Provided that any action taken under the rules or orders made under this sub-section or the grant of a licence under such rules * * shall be subject to the control and supervision of the Government.

(2) (i) The power of making, altering or rescinding orders under clauses (a) and (b) of sub-section (1) shall be subject to the control of the Government.

(ii) The power of making, altering or rescinding orders under the remaining clauses of sub-section (1) shall be subject to the previous sanction of the Government.

(3) Every order made under clause (v) of sub-section (1) with respect to the use of a place for the disposal of the dead shall be framed with due regard to ordinary and established usages and to the necessities of prompt disposal of the dead in individual cases.

(4) Every order promulgated under the authority of clause (l) of sub-section (1) shall be forthwith reported to the Government or such authority as the Government may appoint in this behalf.

(5) Any * order made under this section in so far as it
 relates to * * *

public health, convenience or safety of any locality, shall be subject to the provisions of any law relating to municipalities or other local authorities in force in such locality and any rule, regulation or by-law made under such law.

(6) The power of making, altering or rescinding rules under this section shall be subject to the condition of the rules being made, altered or rescinded after previous publication, and every rule made or alteration or rescission of a rule made under this section shall be published in the Official Gazette and in the locality affected thereby by affixing copies thereof in conspicuous places near to the building, structure, work or place, as the case may be, to which the same specifically relates or by proclaiming the same by the beating of drums or by advertising the same in such local newspapers in English or in the local language, as the authority making, altering or rescinding the rule may deem fit, or by any two or more of these means or by any other means it may think suitable :

Provided that any such rules may be made, altered or rescinded without previous publication if the Commissioner or the District Magistrate, as the case may be, is satisfied that circumstances exist which renders it necessary that such rules or alterations therein or rescission thereof should be brought into force at once.

(7) Notwithstanding anything hereinbefore contained in this section or which may be contained in any rule made thereunder, it shall always be lawful for the competent authority to refuse a licence for, or to prohibit, the keeping of any place of public amusement or entertainment by a person of notoriously bad character.

(8) * * *

32. Authorisation of erection of barriers on streets.—The Commissioner and the Superintendent in areas under their respective charges may, wherever in his opinion such action is necessary, authorise such police officer as he thinks fit, to erect barriers on any street for the purpose of stopping temporarily vehicles driven on such street and 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 thereof, or the person in charge of, such vehicle. The said authority may also make such orders as it deems fit for regulating the use of such barriers.

33. Power to make rules prohibiting disposal of the dead except at places set apart.—(1) A competent authority may, from time to

time make rules prohibiting the disposal of the dead whether by cremation, burial or otherwise at places other than those set apart for such purpose :

Provided that no such rules shall be made in respect of any such town or place in which places have not been so set apart :

Provided further that the competent authority or any officer authorised by it in this behalf may, on an application made to it or him by any person, and after consultation with the Health Officer of the area concerned or other prescribed officer of the Department of Public Health, grant to such person permission to dispose of the corpse of any deceased person at any place other than a place so set apart, if in its or his opinion such disposal is not likely to cause obstruction to traffic or disturbance of the public peace or is not objectionable for any other reason.

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

(3) All such rules shall be subject to the condition of previous publication for a period of not less than two months and shall be made after consultation with the Health Officer of the area concerned or other prescribed officer of the Department of Public Health.

Explanation.—For the purpose of this section, a place set apart for the disposal of the dead means a place set apart for such purpose under any custom, usage or law for the time being in force.

34. Power of Commissioner or the Superintendent and of other officers to give direction to the public.—In areas under their respective charges, the Commissioner and, subject to his orders, every Police Officer not inferior in rank to a Sub-Inspector, and the Superintendent and, subject to his orders, any Police Officer not lower than such rank as may be specified by the Government in that behalf, may, from time to time, as occasion may arise, but not so as to contravene any * * order made under section 31 give all such orders 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 the streets ;

(b) prescribe the routes by which and the times at which any such processions may or may not pass ;

(c) prevent obstructions on the occasion of all processions and assemblies and in the neighbourhood of all places of worship during the time of worship and 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, quay, wharves and at and within public bathing, washing and landing places, fairs, temples and all other places of public resort ;

(e) regulate and control the playing of music or singing, or the beating of drums, tom-toms and other instruments and the blowing or sounding of horns or other noisy instruments in or near any street or public place ;

(f) regulate and control the use of loudspeaker in or near any public place or in any place of public entertainment ;

(g) make reasonable orders subordinate to and in furtherance of any order made by a competent authority under sections 31, 33, 35 to 39, 41 and 43 of this Act.

35. Power to prohibit certain acts for prevention of disorder.—(1) The Commissioner and the District Magistrate in areas under their respective charges may, whenever and for such time as he shall consider necessary for the preservation of public peace or public safety, by a notification publicly promulgated or addressed to individuals prohibit at any city, town, village or place or in the vicinity of any such city, town, village or place—

(a) the carrying of arms, cudgels, swords, spears, bludgeons, guns, knives, sticks, or lathis, or any other article which is capable of being used for causing physical violence,

(b) the carrying of any corrosive substance or of explosives,

(c) the carrying, collection and preparation of stones or other missiles or instruments or means of casting or impelling missiles,

(d) the exhibition of persons or the corpses or figures or effigies thereof,

(e) the public utterance of cries, singing of songs, playing of music, delivery of harangues, the use of gestures or mimetic representations, and the preparation, exhibition or dissemination of pictures, symbols, placards or any other object or thing, which may in the opinion of such authority offend against decency or morality or affect public order or undermine the security of, or tend to overthrow, the State or incite to the commission of an offence.

(2) If any person goes armed with any such article or carries any corrosive substance or explosive or missile in contravention of such prohibition, he shall be liable to be disarmed or the corrosive substance or explosive or missile shall be liable to be seized from him by any Police Officer, and the article, corrosive substance, explosive or missile so seized shall be forfeited to Government.

(3) The authority empowered under sub-section (1) may also by order in writing prohibit any assembly or procession whenever and, for so long as it considers such prohibition to be necessary, for the preservation of the public order :

Provided that no such prohibition shall remain in force for more than fifteen days without the sanction of the Government.

(4) The authority empowered under sub-section (1) may also by public notice temporarily reserve for any public purpose any street or public place and prohibit persons from entering the area so reserved, except under such conditions as may be prescribed by such authority.

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

(1) If the Commissioner, the Superintendent, Assistant Superintendent or Deputy Superintendent or any magistrate of the first class having jurisdiction in any area to which the Government has, by notification in the official Gazette extended the provisions of this section, is satisfied from the report of an officer in charge of a police station or other information received by him that it is necessary to do so in order to prevent annoyance, disturbance, discomfort or injury or risk to the public or to any persons who dwell or occupy property in the vicinity, he may by a written order issue such directions as he may consider necessary to any person for preventing, prohibiting, controlling or regulating—

- (a) the incidence or continuance in or upon any 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
- (b) the carrying on, in or upon, any premises of any trade, avocation or operation resulting in or attended with noise.

(2) The authority empowered under sub-section (1) may, either on its 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 said authority shall afford the applicant an opportunity of appearing before it either in person or by legal practitioner and showing cause against the order and shall, if it rejects any such application either wholly or in part record its reasons for such rejection.

37. Licensing use of loudspeakers, etc.—(1) Subject to the provisions of section 36 and of any orders made under section 31, no person shall use or operate—

- (i) in or upon any premises any loudspeaker or other apparatus for amplifying any musical or other sound, at such pitch or volume as to be audible beyond fifty feet from such premises;
- (ii) in any open space any loudspeaker or other apparatus for amplifying any musical or other sound, at such pitch or volume as to be audible beyond two hundred feet from the place at which the musical or other sound is produced or reproduced, except under and in accordance with the conditions of a licence granted by the Superintendent or in such local area by such other officer as the State Government, may, by notification in the official Gazette specify in this behalf.

(2) The provisions of sub-section (1) shall be applicable to such area from such date as the Government may by notification in the official Gazette specify. On the application of sub-section (1) to any area, no local authority shall, notwithstanding anything contained in any other law, be competent to grant a licence for the use of loudspeakers or other apparatus for amplifying any musical or other sound.

38. Issue of orders for prevention of riot, etc.—(1) In order to prevent or suppress any riot or grave disturbance of peace, the Commissioner or in his absence and subject to his control the Deputy Commissioner of Police and the Superintendent, within the areas under their respective charges, may temporarily close, or take possession of any building or place, and may exclude all or any persons therefrom, or may allow access thereto to such persons only and on such terms as he shall deem expedient. All persons concerned shall be bound to conduct themselves in accordance with such orders as the authority making orders may make and notify in exercise of the authority hereby vested in it.

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

(3) In the event of any dispute in any case under sub-section (2), * * * * * as to the amount (if any) to be paid, and as to the person to whom it is to be paid * * * * *

such dispute shall be decided by the judicial officer exercising powers and performing the functions of a Magistrate of the First Class.

39. Issue of orders for maintenance of order at ceremonials, etc.—

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

(2) Any order under sub-section (1) shall be subject to a decree, injunction or order made by a court having jurisdiction, and shall be recalled or altered on its being made to appear to the authority making the order that such order is inconsistent with a judgment, decree, injunction or order of such Court, on the complaint, suit or an application of any person interested, as to the rights and duties of any person affected by the order aforesaid.

40. Police to provide against disorder, etc., at places of amusement and public meetings.—

(1) For the purpose of preventing serious disorder or breach of the law or manifest and imminent danger to the persons assembled at any public place of amusement or at an assembly or meeting to which the public are invited or which is open to the public, the senior Police Officer of highest rank superior to that of constable, present at such place of amusement or such assembly or meeting may, subject to such rules 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) The Police shall have free access to every such place of amusement, assembly or meeting for the purpose of giving effect to the provisions of sub-section (1) and to any direction made thereunder.

41. Discontinuance of use of premises by disorderly persons.—On complaint being made to the Commissioner, District Magistrate or Sub-Divisional Magistrate that any house in a city, town or village

in his jurisdiction to which the Government has by notification in the official Gazette extended this section, is used as a common lodging house or place of resort for disorderly persons of any description, to the annoyance of the * * * inhabitants of the vicinity, the said Commissioner or Magistrate may summon the owner or tenant of the house to answer the complaint and on being satisfied that the house is so used may order the owner or tenant of the house so used, within a reasonable period, which shall be set forth in the order, to discontinue such use of it.

42. Special measures to prevent outbreak of epidemic disease at fair, etc.—(1) Whenever it shall appear to the Commissioner or District Magistrate that any place in the areas under their respective charges, at which, on account of pilgrimage, fair, or other such occurrence, large bodies of persons have assembled or are likely to assemble is visited or will probably be visited with an outbreak of any epidemic disease, he may take such special measures and may, by public notice, and after consultation with the Health Officer of the area concerned or other prescribed officer of the Department of Public Health, prescribe such regulations to be observed by the residents of the said place and by persons present thereat or repairing thereto or returning therefrom, as he shall deem necessary to prevent the outbreak of such disease or the spread thereof.

(2) It shall be lawful for the District Magistrate on the requisition of the Commissioner or Superintendent to assess and levy such reasonable fees on persons falling under the provisions of sub-section (1) as will provide for the expenses of the arrangements for sanitation and the preservation of order at and about the place of assemblage.

(3) When the place of assemblage is within the limits of an area under the jurisdiction of a municipal body such sums as shall be necessary for the purpose aforesaid may be recovered from the municipal body.

43. Destruction of stray dogs.—(1) The Commissioner and the Superintendent in areas under their respective charges may, from time to time by public notice, and after consultation with the Health Officer of the area concerned or other prescribed officer of the Department of Public Health, proclaim that any stray dogs found during such period as may be specified in the said notice, wandering in the streets or in any public place may be destroyed, and any dog so found within such period may be destroyed accordingly.

(2) The authority empowered under sub-section (1) may, by public notice, require that every dog, while in any street or public place and not led by some person, shall be muzzled in such a manner as effectually to prevent it from biting, while not obstructing its

breathing or drinking and the Police may, so long as such notice remains in force, destroy, or take possession of and detain, any dog found loose without muzzle in any street or place beyond the premises of the owner thereof :

Provided that any dog so found wearing a collar on which an apparently genuine name and address of an owner is inscribed, shall not, unless it is rabid, be forthwith destroyed, but information of the detention thereof shall forthwith be sent by post or otherwise to such owner.

(3) Any dog which has been detained under sub-section (2) for a period of three clear days without the owner providing a muzzle and paying all expenses connected with such detention, may be destroyed or sold with the sanction and under the orders of the competent authority.

(4) The proceeds of the sale of any dog under sub-section (3) shall be applied, as far as may be, in discharge of the expenses incurred in connection with its detention, and the balance, if any, shall form part of the Consolidated Fund of the State.

(5) Any expenses incurred in connection with the destruction or detention of any dog under this section shall, subject to the provisions of sub-section (4), be recoverable from the owner thereof upon a warrant issued by the competent authority as if it were a warrant issued under section 386 of the Code of Criminal Procedure, 1898.

44. Destruction of suffering or unfit animals.—(1) Any Police Officer, who, in any street or public place other than a place of worship, finds any animal other than a bull or cow so diseased, or so severely injured, and in such a physical condition that in his opinion it cannot without cruelty be removed, shall if the owner is absent or refuses to consent to the destruction of the animal, at once summon the Veterinary Officer in charge of the area in which the animal is found, and, if the Veterinary Officer certifies that the animal is mortally injured or so severely injured, or so diseased, or in such a physical condition that it is cruel to keep it alive, the Police Officer, may without the consent of the owner, destroy the animal or cause it to be destroyed :

Provided that if in the opinion of the Veterinary Officer the animal can be removed from the place where it is found without causing it great suffering and if the owner or person in charge of the animal or in their absence any other person on the spot is willing and offers to remove the animal to a Veterinary Hospital or Pinjrapole within such time as the Veterinary Officer considers reasonable, the Veterinary Officer shall allow the animal to be removed by such owner, person in charge of the animal, or such other person ; and if the owner or person in charge of the animal or such

other person is unwilling or fails so to remove the animal, the Veterinary Officer may direct the Police Officer to remove the animal before it is destroyed from the place where it is found to such other place as he may think fit :

Provided further that when the animal is destroyed in any street or public place it shall, as far as possible, be screened from the public gaze while it is being destroyed :

Provided also that before destroying or causing to be destroyed any diseased animal in any place, the Health Officer of the area concerned or other prescribed officer of the Department of Public Health shall be consulted.

(2) The Government may appoint such persons as it thinks fit to be Veterinary Officers and may declare the areas of which they shall be in charge for the purposes of this Act.

45. Powers under this Chapter to be exercised by Superintendent subject to the control of District Magistrate and by Commissioner and District Magistrate subject to the control of the State Government.— Every power conferred by this Chapter on a Superintendent not specially empowered by the Government to exercise that power or any officer subordinate to him shall be exercised by him subject to the orders of the District Magistrate and all rules, regulations and orders made under this Chapter shall if made by the Commissioner or the District Magistrate be governed by such rules and orders as the Government may from time to time make in this behalf and if made by the Superintendent specially empowered in that behalf, shall be subject to the provisions of section 16.

CHAPTER V.

SPECIAL MEASURES FOR MAINTENANCE OF PUBLIC ORDER AND SAFETY OF STATE.

I. Employment of Additional Police, recovery of cost thereof and of riot compensation, its assessment and recovery.

46. Employment of additional Police on application of a person.—

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

(2) Such additional Police shall be employed at the cost of the person making the application but shall be subject to the orders of the Police authorities and shall be employed for such period as the appointing authority thinks fit.

(3) If the person upon whose application such additional police are employed shall at any time make a written requisition to the appointing authority to which the application for the employment of additional Police was made, for the withdrawal of the said Police, he shall be relieved from the cost thereof at the expiration of such period not exceeding one month from the date of the delivery of such requisition, as the Government or the appointing authority, as the case may be, shall determine.

47. Employment of additional Police at large works and when apprehension regarding behaviour of employees exists.—(1) Whenever it appears to the Government or a competent authority that—

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

the Government or the competent authority may depute such additional police to the said place as it shall think fit and keep the said Police employed at such place for so long as such necessity shall appear to it to continue.

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

48. Recovery of cost of additional Police employed under sections 46 and 47.—In case of any dispute under section 46 or 47, the decision of the District Magistrate shall be conclusive as to the amount to be paid and as to the person by whom it is to be paid and the sum so ascertained may, on the requisition of the District Magistrate be recovered by the Deputy Commissioner of the Revenue District as if it were an arrear of land revenue due by the person found to be answerable therefor.

49. Employment of additional Police in cases of special danger to public peace.—(1) If in the opinion of the Government any area is in a disturbed or dangerous condition or in which the conduct of the inhabitants or of any particular section of the inhabitants renders it expedient temporarily to employ additional Police, it may by notification, in the Official Gazette, specify—

(a) the area (hereafter called "the disturbance area") in which the additional Police is to be employed,

(b) the period for which the additional Police is to be employed :

Provided that the period fixed under clause (b) may be extended by the Government from time to time, if in its opinion, it is necessary to do so in the general interest of the public. The cost of the additional Police shall be a tax imposed under this section and shall be recovered in the manner prescribed in the succeeding sub-sections.

(2) The decision of the Government under clauses (a) and (b) of sub-section (1) shall be final.

(3) On the issue of such notification, the Government may require,—

(a) in any disturbance area which is within the jurisdiction of a municipal body, the municipal body, the Deputy Commissioner of the Revenue District or any other authority,

(b) in any disturbance area which is outside the area specified in clause (a), the Deputy Commissioner of the Revenue District or any other authority,

to recover, whether in whole or in part, the cost of such additional Police generally from all persons who are inhabitants of the disturbance area or specially from any particular section or sections, or class or classes of such persons, and in such proportion as the Government may direct :

Provided that where the municipal body is directed to recover such cost, an additional sum not exceeding three per cent of the amount of such cost shall also be recoverable.

(4) (i) The Government may require the municipal body to recover such cost and the additional sum by an addition to the general or property tax which shall be imposed and levied in all or such of the municipal divisions, sub-divisions or sections thereof, as the Government may direct. Every addition to the general or property tax imposed under this sub-section shall be recovered by the municipal body from each person liable therefor, in the same manner as the general or property tax due from him,

The provisions of the relevant municipal Act shall apply to any such addition as if it were part of the general or property tax levied under the said Act. Such addition shall be a charge along with the general or property tax, on the properties, in such municipal divisions or sub-divisions or sections.

(ii) The Government may also require the municipal body to recover such cost and the additional sum from each person liable therefor under sub-section (3) in such manner as the Government may direct.

(iii) Where the municipal body makes default in imposing and levying any such tax or in making such recovery, the Government may direct the Deputy Commissioner of the Revenue District to impose and levy such tax or to make such recovery.

(5) Every amount recoverable by the Deputy Commissioner of the Revenue District or other authority under this section shall be recoverable as if it were an arrear of land revenue due by the person liable therefor.

(6) It shall be lawful for the Government by order to exempt any person from liability to bear any portion of the cost of such additional Police.

(7) It shall be lawful for the Government to extend the period for the payment of the cost imposed under this section, for the term not exceeding five years beyond the period for which such additional Police are actually employed.

(8) Out of the total amount recovered by the municipal body under sub-section (4) or (5) whether before or after the coming into force of this Act, the amount of the cost shall be paid to the Government and the balance, if any, shall be credited to the Municipal Fund constituted under the relevant municipal Act. Such amount of cost shall be paid to the Government every three months.

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

50. Compensation for injury caused by unlawful assembly how recoverable.—(1) When any loss or damage is caused to any property, or when death results or grievous hurt is caused to any person or persons, by anything done in the prosecution of the common object

of an unlawful assembly, the Government may, by notification in the official Gazette, specify—

- (a) the area (hereinafter called "the disturbance area") in which in its opinion such unlawful assembly was held; and
- (b) the date on which or the period during which such unlawful assembly was held.¶

(2) The decision of the Government under clauses (a) and (b) of sub-section (1) shall be final.

(3) On the issue of a notification under sub-section (1), the District Magistrate may, after such inquiry as he deems necessary, determine the amount of the compensation which, in his opinion should be paid to any person or persons in respect of the loss or damage or death or grievous hurt aforesaid. The amount of compensation shall be a tax imposed under this section and shall be recovered in the manner prescribed in the succeeding sub-sections.

(4) The District Magistrate may require—

- (a) in any disturbance area, which is within the jurisdiction of a municipal body, the municipal body, the Deputy Commissioner of the Revenue District or any other authority;
- (b) in any disturbance area which is outside the area specified in clause (a), the Deputy Commissioner of the Revenue District or any other authority,

to recover the amount (hereinafter called "the compensation amount") as determined under sub-section (3) either in whole or in part, and where the municipal body is required to recover such amount, an additional sum not exceeding three per cent of the compensation amount (hereinafter referred to as "the municipal recovery cost") generally from all persons who were inhabitants of the disturbance area or specially from any particular section or sections, or class or classes of such persons in the said area, and in such proportion as the District Magistrate may direct.

- (5) (i) The District Magistrate may require the municipal body concerned to recover the compensation amount and the municipal recovery cost by an addition to the general or property tax which shall be imposed and levied in the disturbance area. Every addition to the general or property tax imposed under this sub-section shall be recovered by the municipal body concerned from each person liable therefor in the same manner as the general or property tax due from him. The provisions of the relevant municipal Act shall apply to any

such addition as if it were part of the general or property tax levied under the relevant municipal Act. Such addition shall be a charge along with the general or property tax on the properties in the area aforesaid.

- (ii) The District Magistrate may also require the municipal body concerned to recover the compensation amount and the municipal recovery cost from each person liable therefor under sub-section (4) in such manner as he may direct.

(6) Where a municipal body makes a default in imposing and levying any such tax or in making any such recovery, the Government may direct the Deputy Commissioner of the Revenue District to impose and levy such tax or to make such recovery.

(7) Every amount recoverable by the Deputy Commissioner of the Revenue District or other authority under this section, shall be recoverable as if it were an arrear of land revenue.

(8) Out of the total amount recovered by the municipal body under sub-section (5) or (6), the proportionate amount of the municipal recovery cost shall be deducted from and the amount not exceeding the compensation amount determined by the District Magistrate, under sub-section (3), shall be paid to him for the payment of compensation to the persons entitled thereto, and the balance, if any, shall be credited to the Municipal Fund constituted under the relevant municipal Act. Such amount shall be paid to the District Magistrate, every three months.

(9) It shall be lawful for the District Magistrate, by order to exempt any person from liability to pay any portion of the compensation amount.

(10) The Government may, (a) on its own motion, or (b) on an application made by a person within a period of thirty days from the date of the order of a District Magistrate, granting or refusing to grant an exemption thereunder, set aside or modify such order.

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

51. District Magistrate to award or to apportion compensation among persons.—(1) It shall be lawful for the District Magistrate to award or apportion all or any moneys recovered as compensation

under sub-sections (3) to (8) of section 50, to any person or among all or any persons whom he considers entitled to compensation in respect of the loss or damage or death or grievous hurt aforesaid.

(2) No compensation shall be awarded under this section except upon a claim made within forty-five days from the date of the notification issued by the Government under sub-section (1) of section 50 and unless the District Magistrate is satisfied that the person claiming compensation or where such claim is made in respect of the death of any person, that person also has himself been free from blame in connection with the occurrences which led to the loss, damage, death or grievous hurt as aforesaid.

(3) The compensation payable to any person under section 50 in respect of death or grievous hurt shall not in any way be capable of being assigned or charged or be liable to attachment or to pass to any person other than the person entitled to it by operation of law, nor shall any claim be set off against the same.

(4) Every direction and order made by the District Magistrate under this or the preceding section shall be subject to revision by the Government, but save as aforesaid shall be final.

(5) No civil suit shall be maintainable against the Government or any officer of the Government in respect of any loss or injury for which compensation has been granted under this section.

52. District Magistrate to discharge functions under orders of Government.—The District Magistrate shall discharge his functions under sections 50 and 51 subject to any general or special orders of the Government in this behalf.

53. Proportionate recovery of the cost of additional Police and compensation for loss caused by unlawful assembly.—(1) Notwithstanding anything contained in any law in force relating to house rent and accommodation control, where under the provisions of section 49 or 50, the municipal body or the Deputy Commissioner of the Revenue District, as the case may be, is required to recover the cost of the additional Police, including the additional sum referred to in sub-section (4) of section 49 (hereinafter called "the additional cost") or the compensation amount and the municipal recovery cost (hereinafter called the "riot tax") by an addition to the general or property tax, the landlord from whom any portion of the additional cost or the riot tax is recovered, in respect of any premises shall be entitled to recover seventy-five per cent. of such portion from the tenant in the occupation of the premises during the period fixed under

sub-section (1) of section 49 or on the date or during the greater part of the period specified under clause (b) of sub-section (1) of section 50, as the case may be, in the manner specified in sub-section (2).

(2) The amount referred to in sub-section (1) and to be recovered from a tenant referred to therein shall bear the same proportion as the rent payable by him in respect of the premises in his occupation bears to the total amount of rent recoverable for the whole premises if let, and the same shall be recoverable in not less than four equal instalments.

II. Dispersal of gangs and removal of persons convicted of certain offences.

54. Dispersal of gangs and bodies of persons.—Whenever it shall appear in the City of Bangalore and in other areas in which a Commissioner is appointed under section 7 to the Commissioner, and in a district to the District Magistrate, the Magistrate or the Superintendent specially empowered by the Government in this behalf, that the movement by 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 to 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 specify, and not to enter the area or the areas 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.

55. Removal of persons about to commit offences.—Whenever it shall appear in the City of Bangalore and other areas for which a Commissioner has been appointed under section 7 to the Commissioner, and in other area or areas to which the Government may, by notification in the official Gazette, extend the provision of this section, to the District Magistrate, or the Sub-Divisional Magistrate having jurisdiction and specially empowered by the Government in that behalf,—

(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, 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 outbreak 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 specify and not to enter, or return to the said place from which he was directed to remove himself.

56. Removal of persons convicted of certain offences.—If a person has been convicted at any time either before or after the commencement of this Act,—

(a) of an offence under Chapter XII, XVI or XVII of the Indian Penal Code; or

(b) of an offence under section 6 or 13 of the Mysore Mines Act, 1906 (Mysore Act IV of 1906); or

(c) twice of an offence under section 19 of the Mysore Prohibition of Beggary Act, 1944 (Mysore Act XXXIII of 1944) or section 9 of the Bombay Beggars Act, 1945 (Bombay Act XXIII of 1945) or under the Suppression of Immoral Traffic Act, 1956 (Central Act 104 of 1956), or

(d) thrice of an offence within a period of three years, under the law in force * * * for the prevention of gambling or under the Mysore Prohibition Act, 1961, * *

the Commissioner, the District Magistrate, or any Sub-Divisional Magistrate specially empowered by the Government in this behalf, 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 place 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 clause (a) an offence falling under any of the chapters of the Indian Penal Code mentioned in that clause ; and
- (ii) in the case of a person convicted of an offence mentioned in clauses (c) and (d) an offence falling under the provisions of the Acts mentioned respectively in the said clauses.

57. Period of operation of orders under section 54, 55 or 56.—A direction made under section 54, 55 or 56 not to enter any particular area or such area and any district or districts or any part thereof, contiguous thereto 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.

58. Hearing to be given before an order is passed under section 54, 55 or 56.—(1) Before an order under section 54, 55 or 56 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 a legal practitioner for the purposes 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 section 54, 55 or 56 require such person to appear before him and to furnish a security bond with or without sureties for such attendance during the inquiry. If the person fails to furnish 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 thereupon such order as was proposed to be passed against him may be passed.

59. Appeal.—Any person aggrieved by an order made under section 54, 55 or 56 may appeal to the Government within thirty days from the date of such order.

60. Finality of orders.—Any order passed under section 54, 55 or 56 or by the Government under section 59 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) of section 58 or that there was no material before the authority concerned upon which it could have based its order or 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 section 55.

61. Procedure on failure of person to leave the area and his entry therein after removal.—If a person to whom a direction has been issued under section 54, 55 or 56 to remove himself from an area—

(i) fails to remove himself as directed ;

(ii) having so removed himself, except with the permission in writing of the authority making the order 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 direct.

62. Temporary permission to enter or return to the area from which a person was directed to remove himself.—(1) The Government may, by order, permit any person in respect of whom an order has been made under section 54, 55 or 56 to enter or return for a temporary period to the area or such area and any district or districts or any part thereof, contiguous thereto from which he was directed to remove himself subject to such conditions as it 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 district or districts or any part thereof, contiguous thereto from which he was directed to remove

himself, the Government may require him to enter into a 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 district or districts or any part thereof contiguous thereto, 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.

63. Powers of Government or of officers specially empowered to extern.—(1) The Government or any officer specially empowered by the Government in that behalf, may, in like circumstances and in like manner, exercise the powers exercisable, in the City of Bangalore by the Commissioner and in a district by the District Magistrate, Sub-divisional Magistrate or Superintendent of Police specially empowered by the Government in that behalf, as the case may be, under section 54, 55 or 56 with this modification that it shall be lawful for the 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 sections 57, 58, 59, 60, 61 and 62 shall *mutatis mutandis* apply to the exercise of any powers under this section, as they apply to the exercise of any powers under section 54, 55 or 56.

III. Control of camps, parades, etc., and use of certain uniforms.

64. Control of camps, parades, etc., and banning use of uniforms, etc.—(1) If the Government is satisfied that it is necessary in the interest of the maintenance of public order so to do, it may by general or special order prohibit or restrict throughout the State of Mysore 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 for the purpose of practising military exercises, 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 Government is satisfied that the wearing in public by any member of the body or association or organisation to be specified in the order to be issued hereunder of any dress or article of

apparel resembling any uniform or part of uniform required to be worn by a member of the Armed Forces of the Union or by a member of the Police Force or of any force constituted under any law for the time being in force, would be likely to prejudice the security of the State or the maintenance of public order, the Government may, by 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-sections (1) and (2) shall be published in the manner prescribed for the publication of a public notice under section 172.

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

CHAPTER VI.

EXECUTIVE POWERS AND DUTIES OF THE POLICE.

65. Duties of a Police Officer.—It shall be the duty of every Police Officer:—

(a) promptly to serve every summons and obey and execute every warrant or other order lawfully issued to him by competent authority, and to endeavour by all lawful means to give effect to the lawful commands of his superior;

(b) to the best of his ability to obtain intelligence concerning the commission of cognizable offences or designs to commit such offences;

(c) to lay such information and to take such other steps, consistent with law and with the orders of his superiors, as shall be best calculated to bring offenders to justice;

(d) to prevent the commission of offences;

(e) to prevent to the best of his ability the commission of public nuisances;

(f) to apprehend without unreasonable delay all persons whom he is legally authorised to apprehend and for whose apprehension there is sufficient reason;

(g) to aid another Police Officer when called on by him or in case of need in the discharge of his duty, in such ways as would be lawful and reasonable on the part of the officer aided;

(h) to discharge such duties as are imposed upon him by any law for the time being in force.

66. Power to enter places of public resort.—Every Police Officer may, subject to the rules and orders made by the Government or by a person lawfully authorised, enter for any of the purposes referred to in section 65 without a warrant and inspect any place of public resort which he has reason to believe is used as * * * a shop for the sale of liquor or intoxicating drugs or a place of resort of loose and disorderly characters.

67. Power to search suspected persons in a street.—When in a street or a place of public resort a person has possession or apparent possession of any article which a Police Officer in good faith suspects to be stolen property, such Police Officer may search or examine the same and may require an account thereof, and, should the account given by the possessor be manifestly false or suspicious, may seize such article and report the facts to a Magistrate, who shall thereon proceed according to sections 523 and 525 of the Code of Criminal Procedure, 1898, or any other law in force.

68. Duties of Police Officers towards the public.—It shall be the duty of every Police Officer—

(a) to 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;

(b) to take prompt measures to procure necessary help for any person under arrest or in custody, who is wounded or sick and whilst guarding or conducting any such person, to have due regard to his condition;

(c) to arrange for the proper sustenance and shelter of every person who is under arrest or in custody;

(d) in conducting searches, to refrain from needless rudeness and the causing of unnecessary annoyance;

(e) in dealing with women and children to act with strict regard to decency and with reasonable gentleness;

(f) to use his best endeavours to prevent any loss or damage by fire;

(g) to use his best endeavour to avert any accident or danger to the public.

69. Police to regulate traffic, etc., in streets.—It shall be the duty of a Police Officer—

(a) to regulate and control the traffic in the streets, to prevent obstructions therein and, to the best of his ability, to prevent the

infraction of any rule or order made under this Act, or any other law in force for observance by the public in or near the streets ;

(b) to keep order in the streets and at and within public bathing, washing and landing places, fairs, bazaars, temples and all other places of public resort and in the neighbourhood of places of public worship during the time of public worship ;

(c) to regulate resort to public bathing, washing and landing places, to prevent overcrowding thereat and in public ferry boats and, to the best of his ability, to prevent the infraction of any rule or order lawfully made for observance by the public at any such place or on any such boat.

70. Persons bound to conform to reasonable directions of Police.—

All persons shall be bound to conform to the reasonable directions of a Police Officer given in fulfilment of any of his duties under this Act.

71. Powers of Police Officer to restrain, remove, etc.—

A Police Officer may restrain or remove any person resisting or refusing or omitting to conform to any direction referred to in section 70 and may either take such person before a Magistrate or, in trivial cases, may release him when the occasion is past.

72. Enforcement of orders issued under section 35, 36 or 38.—

Whenever a notification has been duly issued under section 35 or an order has been made under section 36 or 38 it shall be lawful for any Magistrate in a district or Police Officer to require any person acting or about to act contrary thereto to desist or to abstain from so doing, and, in case of refusal or disobedience, to arrest the person offending. Such Magistrate or Police Officer may also seize any object or thing used or about to be used in contravention of such notification, or order of any District Magistrate having jurisdiction at the place.

73. Duty of Police to see orders issued under section 42, 54, 55, 56 or 63 are carried out.—It shall be the duty of the police to see that every regulation and direction made by an authority under section 42, 54, 55, 56 or 63 is duly obeyed, to warn persons who from ignorance fail to obey the same and to arrest any person who wilfully disobeys the same.

74. When Police Officer may arrest without warrant.—A Police Officer may arrest without warrant any person committing in his presence in any street or public place any non-cognizable offence

punishable under this Act, or under any rule made thereunder and for which no express provision has been made elsewhere, or under any other law for the time being in force, if such person—

(i) after being warned by a Police Officer persists in committing such offence, or

(ii) refuses to accompany the Police Officer to a police station on being required so to do.

75. Police to take charge of unclaimed property.—The police shall take temporary charge—

(a) of all unclaimed property found by or made over to them; 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 omits to do so.

76. Police Officer may take charge of stray cattle.—A Police Officer may take charge of any animal which may be found straying in a street and may take or send the same to the nearest cattle pound and the owner and other person concerned shall thereon become subject to the provisions of the Cattle Trespass Act in force.

77. A superior Police Officer may himself perform duties imposed on his inferior, etc.—A Police Officer of rank superior to that of a constable may perform any duty assigned by law or by a lawful order to any officer subordinate to him; and in case of any duty imposed on such subordinate, a superior where it shall appear to him necessary, 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 an infringement thereof.

CHAPTER VII.

PREVENTION OF GAMING.

81. * * * *

78. Opening etc., of certain forms of gaming.—(1) Whoever—

(a) being the owner or occupier or having the use of any building, room, tent, enclosure, vehicle, vessel or place, opens, keeps or uses the same for the purpose of gaming—

(i) on a horse-race, or

- (ii) on the market price of cotton, bullion or other commodity or on the digits of the number used in stating such price, or
- (iii) on the amount or variation in the market price of any such commodity or on the digits of the number used in stating the amount of such variation, or
- (iv) on the market price of any stock or share or on the digits of the number used in stating such price, or
- (v) on the number of registration or on the digits of the number of registration of any motor vehicle using a public place, or
- (vi) on any transaction or scheme of wagering or betting in which the receipt or distribution of winnings or prizes in money or otherwise is made to depend on chance; or

(b) being the owner or occupier of any such building, room, tent, enclosure, vehicle, vessel or place knowingly or wilfully permits the same to be opened, occupied, kept or used by any other person for the purpose of gaming on any of the objects aforesaid, or

(c) has the care or management of, or in any manner assists in, conducting the business of, any such building, room, tent, enclosure, vehicle, vessel or place opened, occupied, kept or used for the purpose of gaming on any of the objects aforesaid, or

(d) advances or furnishes money for the purpose of gaming on any of the objects aforesaid with persons frequenting any such building, room, tent, enclosure, vehicle, vessel or place,

shall, on conviction, be punished with imprisonment which may extend to one year, or with fine which may extend to one thousand rupees, or with both:

Provided that in the absence of special reasons to be recorded in writing, the punishment to be imposed on an offender on conviction for an offence under this sub-section shall be imprisonment for not less than one month or fine of not less than five hundred rupees or both.

(2) Whoever is found in any building, room, tent, enclosure, vehicle, vessel or place referred to in sub-section (1), gaming on any of the objects specified in that sub-section, or present, for the purpose of gaming on any such object shall, on conviction, be punished with imprisonment which may extend to one month or with fine which may extend to five hundred rupees or with both.

Any person found in any such building, room, tent, enclosure, vehicle, vessel or place during any gaming therein on any of the

objects specified in sub-section (1) shall be presumed, until the contrary is proved, to have been there for the purpose of gaming on such object.

(3) Whoever is found gaming on any of the objects specified in sub-section (1) in any public street or thoroughfare or in any place to which the public have or are permitted to have access shall, on conviction be punished with imprisonment which may extend to three months or with fine which may extend to three hundred rupees, or with both.

19. **Keeping common gaming house, etc.**—Any person who—

(a) opens, keeps or uses any building, room, tent, enclosure, * vehicle, vessel, or place for the purpose of a common gaming-house ;

(b) being the owner or occupier of any such building, room, tent, enclosure, vehicle, vessel, or place knowingly or wilfully permits the same to be opened, occupied, kept or used by any other person for the purpose aforesaid ;

(c) has the care or management of, or in any manner assists in conducting the business of, any such building, room, tent, enclosure, * vehicle, vessel, or place opened, occupied, kept or used for the purpose aforesaid ; or

(d) advances or furnishes money for the purpose of gaming with persons frequenting any such building, room, tent, enclosure, * * vehicle, vessel, or place ;

shall, on conviction, be punished with imprisonment which may extend to one year and with fine :

Provided that—

(a) for a first offence, such imprisonment shall not be less than three months and fine shall not be less than five hundred rupees ;

(b) for a second offence, such imprisonment shall not be less than six months and fine shall not be less than five hundred rupees ; and

(c) for a third or subsequent offence, such imprisonment shall not be less than nine months and fine shall not be less than one thousand rupees.

80. Gaming in common gaming-house, etc.—Whoever is found in any common gaming-house gaming or present for the purpose of gaming shall, on conviction, be punished with imprisonment which may extend to one year and with fine :

Provided that—

(a) for a first offence such imprisonment shall not be less than one month and fine shall not be less than two hundred rupees;

(b) for a second offence such imprisonment shall not be less than three months and fine shall not be less than two hundred rupees; and

(c) for a third or subsequent offence such imprisonment shall not be less than six months and fine shall not be less than five hundred rupees.

81. Entry, search, etc., by Police Officers in gaming-house.—It shall be lawful for a Police Officer,—

(i) in the City of Bangalore not below the rank of a Sub-Inspector and either empowered by general order in writing or authorised in each case by special warrant issued by the District Magistrate or Sub-Divisional Magistrate, or Commissioner of Police or Superintendent of Police; or Deputy Commissioner of Police, Assistant Superintendent of Police or Deputy Superintendent of Police or Assistant Commissioner of Police, and

(ii) elsewhere not below the rank of a Sub-Inspector of Police authorised by special warrant issued in each case by a District Magistrate or Sub-Divisional Magistrate, or by a Magistrate specially empowered by the State Government in this behalf or by a Superintendent of Police or by an Assistant or Deputy Superintendent of Police,—

(a) to enter, with the assistance of such persons as may be found necessary, by night or by day, and by force, if necessary, any building, room, tent, enclosure, * * * vehicle, vessel or place, which he has reason to suspect is used as a common gaming-house or for the purpose of gaming on any of the objects referred to in sub-section (1) of section 78;

(b) to search all parts of the building, room, tent, enclosure, vehicle, vessel or place which he shall have so entered, when he shall have reason to suspect that any instruments of gaming are concealed therein, and also the persons whom he shall find therein, whether such persons are then actually gaming or not;

(c) to take into custody and bring before a Magistrate all such persons ;

(d) to seize all instruments of gaming and all moneys and securities for money and articles of value which are reasonably suspected to have been used or intended to be used for the purpose of gaming, and which are found therein :

Provided that no officer shall be authorised by special warrant unless the Commissioner or Deputy Commissioner or Assistant Commissioner of Police or Magistrate or Superintendent, Assistant or Deputy Superintendent of Police concerned is satisfied, upon a complaint made before him on oath and upon making such inquiry as he may think necessary, that there are good grounds to suspect the said building, room, tent, enclosure, * * * vehicle, vessel, or place to be used as a common gaming-house.

82. Presumptive proof of keeping or gaming in common gaming-house.—(1) When any instrument of gaming has been seized in any building, room, tent, enclosure, * vehicle, vessel or place entered or searched under section 81 or on a person found therein, and in the case of any other thing so seized, if the court is satisfied that the police officer who entered such building, room, tent, or place, enclosure, vehicle, vessel, had reasonable grounds for suspecting that the thing so seized was an instrument of gaming, the seizure of such instrument or thing shall be evidence, until the contrary is proved, that such building, room, tent, enclosure, * * * vehicle, vessel or place is used as a common gaming-house and the persons found therein were then present for the purpose of gaming, although no gaming was actually seen by * * * the police officer or by any person acting under the authority of either of them.

(2) Any person found in any common gaming-house during any gaming therein shall be presumed until the contrary is proved, to have been there for the purpose of gaming.

83. On conviction under sections 78, 79 and 80 instruments of gaming may be destroyed.—On conviction of any person * * * under section 78, 79 or 80 the convicting Magistrate may order all the instruments of gaming found in the building, room, tent, enclosure, vehicle, vessel or place or on the persons of those who were found therein, to be forthwith destroyed or forfeited to the * Government, and may also order all or any of the securities for money and other articles seized, not being instruments of gaming, to be sold and the

proceeds thereof, with all moneys seized therein, to be forfeited to the Government.

* * * * *

84. Proof of playing for money not required for conviction.—It shall not be necessary, in order to convict a person of an offence under sub-section (2) or sub-section (3) of section 78 or under section 80 to prove that any person found gaming was playing for any money, wager, bet or stake.

85. Indemnification of persons concerned who are examined as witnesses.—Every person who shall have been concerned in any gaming contrary to this Act, and who shall be examined as a witness by or before a Magistrate on the trial of any charge against the owner, keeper or occupier or other person * * * under sub-section (1) of section 78 or under section 79 touching * gaming, and who upon such examination shall make true and faithful discovery to the best of his knowledge of all things as to which he shall be so examined, and who shall thereupon receive from the said Magistrate a certificate in writing to that effect, shall be freed from all prosecutions under this Act for anything done before that time in respect of such gaming.

86. Payment of portion of fine to informer.—The Magistrate trying any case under the provisions of sections 78, 79 and 80, may award any portion, not exceeding one-half of any fine which may be levied under any of the said sections, or any part of the proceeds of articles or money seized and ordered to be forfeited under section 83, among the Police Officers and other persons who may have given assistance in the detection or investigation of the offence.

87. Gaming, * * * * * in public streets.— * * * * * Whoever is

* * * * * found gaming or reasonably suspected to be gaming in any public street, or thoroughfare, or in any place to which the public have or permitted to have access or in any race-course * * * * *

* * * * * shall, on conviction, be punished with imprisonment which may extend to three months or with fine

which may extend to three hundred rupees, or with both and where such gaming consists of wagering or betting, any such person so found gaming shall, on conviction, be punishable in the manner and to the extent referred to in section 80 and all moneys found on such person shall be forfeited to the Government.

And such police officer may seize all things reasonably suspected to be instruments of gaming found in such public street, thoroughfare, place or race-course or on or about the person of those whom he shall so arrest, and the Magistrate may, on conviction of the offender, order such instruments to be forthwith destroyed.

When anything has been found on or about any person and a court is satisfied that the police officer had reasonable grounds for suspecting that such thing was an instrument of gaming; such circumstance shall, until the contrary is proved, be evidence that such thing was an instrument of gaming and that the person on or about whom the thing was found was present for the purpose of gaming.

88. Power to arrest without warrant persons gaming in public places.—A police officer may arrest and search without warrant, any person gaming or reasonably suspected to be gaming in contravention of sub-section (3) of section 78 or section 87.

89. Assembling in streets for gaming.—Whoever—

(i) assembles with others in a street gathered for the purpose of gaming or;

(ii) joins any such assembly for the purpose of gaming;

shall, on conviction, be punished with fine which may extend to fifty rupees.

90. Printing, publishing or distributing any news or information.—

(1) No person shall print, publish, sell, distribute or in any manner circulate any newspaper, news-sheet or other document or any news or information with the intention of aiding or facilitating gaming.

(2) Any person who contravenes the provisions of sub-section (1) shall, on conviction, be punished with imprisonment which may extend to six months and with fine.

(3) Any Police Officer may enter and search any place for the purpose of seizing, and may seize all things reasonably suspected to

be used or to be intended to be used, for the purpose of committing an offence under this section.

(4) Any Police Officer may arrest without warrant any person who contravenes the provisions of sub-section (1).

91. Offences by companies.—(1) If the person committing an offence under section 78, 79 or 90 is a company, the company, as well as every person in charge of, and responsible to the company for the conduct of its business at the time of the commission of the offence 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 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 section 78, 79, or 90 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.

(3) For purposes of sections 78, 79 and 90, a 'firm' shall be deemed to be a person.

Explanation.—For the purposes of this section,—

(a) "company" means a body corporate, and includes a firm or other association of individuals; and

(b) "director" in relation to a firm, means a partner in the firm.

CHAPTER VIII.

OFFENCES AND PUNISHMENTS.

92. Punishment of certain street offences and nuisance.—(1) In any local area to which the Government by notification in the official Gazette from time to time extends this sub-section or any clause thereof, whoever, contrary thereto,—

(a) without lawful excuse drives along, or keeps standing in, any street a vehicle of any description or drags or pushes in any

street, a vehicle of any description other than a bicycle at any time between half an hour after sunset and one hour before sunrise without a sufficient light or lights ;

(b) without reasonable cause, drives, drags, or pushes any vehicle otherwise than on the near or left side of the road or passes any vehicle except on the right side of it and at any speed higher than what may be prescribed by notification by Government ;

(c) leaves in any street insufficiently tended or secured any animal or vehicle ;

(d) causes obstruction, injury, danger or alarm in any street, or mischief, by any misbehaviour, negligence or ill-usage in the driving, management or care of any animal or vehicle, or drives any vehicle or animal laden with timber, poles or other unwieldy articles through a street, contrary to any regulation made in that behalf and published by a competent authority ;

(e) exposes for hire or sale any animal or vehicle, cleans any furniture or vehicle, or cleans, grooms, trains or breaks in any horse or other animal or makes or repairs any vehicle or any part of a vehicle in any street (unless when in the case of an accident repairing on the spot is necessary) or carries on therein any manufacture or operation so as to be a serious impediment to traffic or a serious annoyance to residents or to the public ;

(f) (i) causes obstruction in any street by allowing any animal or vehicle which has to be loaded or unloaded or has to take up or set down passengers, to remain or stand therein longer than may be necessary for such purpose ; or by leaving any vehicle standing or by fastening any cattle therein, or using any part of a street as a halting place for vehicles or cattle, or by leaving any box, bale, package or other thing whatsoever in or upon a street for an unreasonable length of time ;

(ii) or causes obstruction by exposing anything for sale or setting out anything for sale or upon any stall, booth, board, cask, basket or in any other way whatsoever contrary to any regulation made and published by the Commissioner, or a District Magistrate ;

(g) causes obstruction on any foot-way, or drives, rides or leaves any animal or drives, drags or pushes any vehicle thereupon ;

(h) exhibits, contrary to any regulation made and notified by the Commissioner or a District Magistrate, as the case may be, any mimetic, musical or other performances of a nature to attract crowds or carries or places bulky advertisements, pictures, figures, or

omblems in any street whereby an obstruction to passengers or annoyance to the inhabitants may be occasioned ;

(i) uses or operates at any place any apparatus for amplifying any musical or other sound, such as a megaphone or loudspeaker, any time between ten o'clock in the night and six o'clock in the morning, whereby any annoyance, disturbance, or discomfort is caused to the inhabitants in the vicinity ;

(j) obeys a call of nature or permits a child to do so or bathes or washes his person in or near to and within sight of a street or public place (except in some place set apart for the purpose by order of a competent authority) so as to cause annoyance to the neighbouring residents or to passers by ;

(k) negligently lets loose any horse or other animal, so as to cause danger, injury, alarm or annoyance to the public, or suffers a ferocious dog to be at large without a muzzle, or sets on or urges a dog or other animal to attack, worry or put in fear any person or animal ;

(l) bathes or washes in or by the side of a public well, tank, or reservoir, not set apart for such purpose by order of a competent authority or in or by the side of any pond, pool aqueduct, part of a river, stream, nalla or other source or means of water supply in which such bathing or washing is forbidden by order of the competent authority ;

(m) defiles or causes to be defiled, the water in any public well, tank, reservoir, pond, pool, aqueduct or a part of a river, stream, nalla or other source or means of water-supply, so as to render the same less fit for any purpose for which it is set apart by the order of the competent authority ;

(n) obstructs or incommodes a person bathing at a place set apart for that purpose as aforesaid, by wilful intrusion or by using such place for any purpose for which it is not so set apart ;

(o) wilfully and indecently exposes his person, uses indecent language or behaves indecently or riotously or in a disorderly manner in a street or place of public resort, or in any public office ;

(p) is drunk and incapable of taking care of himself in a street or place of public resort ;

(q) wilfully pushes, presses, hustles or obstructs any passenger in a street, or disturbs the public peace or order, by violent movements, menacing gestures, wanton personal annoyance, screaming, shouting, wilfully frightening horses or cattle, or otherwise ;

(r) uses in any street any threatening, abusive or insulting words or behaviour or posts up or affixes or exhibits any indecent, threatening, abusive or insulting paper or drawing with intent to provoke a breach of the peace or whereby a breach of the peace may be occasioned ;

(s) begs importunately for alms, or exposes or exhibits, with the object of exacting charity, any deformity or disease or any offensive sore or wound in or near to and within sight of any street ;

(t) throws or lays down any dirt, filth, rubbish or any stones or building materials in any street, or causes any offensive matter to run from any house, factory, dung-heap or the like into any street ;

(u) neglects to fence in or duly to protect any well, tank, or other dangerous place or structure ;

(v) without the consent of the owner or occupier, affixes or causes to be affixed any bill, notice or other paper upon any building, wall or fence, or writes upon or defaces or marks any such building, wall or fence ;

(w) without the consent of the Government or the public authority concerned, affixes or causes to be affixed any bill, notice or other paper upon any lamp-post, tree, letter-box, transformer, street or any other property belonging to Government or any public authority, or writes upon or defaces or marks or causes to be written upon or defaced or marked, any such lamp-post, tree, letter-box, transformer, street or other property ;

(x) spits or throws any dust, ashes, refuse or rubbish in or near to any street, public place or place of public resort so as to cause annoyance to any passerby ;

(y) smokes or spits in any court, police station, public office or building occupied by Government or any public body, in contravention of a notice by a competent authority in charge of such place and affixed to such court, station, office or building ;

shall be punished with fine which may extend to one hundred rupees, provided that imprisonment in default of payment of such fine shall not exceed eight days notwithstanding anything in section 67 of the Indian Penal Code.

(2) The provisions of sub-section (1) or any clause thereof may be extended to any local area for any specified period or may be rescinded from any area to which they have been extended, at any time, as the Government deems fit.

93. Punishment for cruelty to animals.—Whoever cruelly beats, goads, overworks, illtreats, or tortures or causes or procures to be cruelly beaten, goaded, overworked, illtreated or tortured any animal shall, on conviction, be punished with imprisonment which may extend to one month or with fine which may extend to one hundred rupees, or with both.

94. Punishment for wilful trespass.—(1) Whoever without satisfactory excuse wilfully enters or remains in or upon any dwelling house or premises or any land or ground attached thereto, or on any ground, building, monument or structure belonging to Government or appropriated to public purposes, or on any vehicle or vessel, shall, on conviction, whether he causes any actual damage or not, be punished with fine which may extend to twenty rupees.

(2) Any Police Officer may, on the information of any person in possession or in charge of any dwelling house, premises, or land or ground attached thereto, or of any ground, building, monument or structure belonging to Government, arrest without a warrant any person alleged to have committed therein or thereon any offence punishable under sub-section (1) of this section.

95. False alarm of fire or damage to fire alarm.—Whoever knowingly gives or causes to be given a false alarm of fire to the fire brigade 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 three months or with fine which may extend to one hundred rupees, or with both.

96. Being found under suspicious circumstances between sunset and sunrise.—Whoever is found between sunset and sunrise—

- (a) armed with any dangerous instrument with intent to commit an offence, or
- (b) having his face covered, or otherwise disguised with intent to commit an offence, or
- (c) in any dwelling house or other building, or boat, without being able satisfactorily to account for his presence there, or
- (d) lying or loitering in any street, yard or other place, being a reputed thief and without being able to give satisfactory account of himself, or
- (e) 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.

97. Carrying weapon without authority.—Whoever not being a member of the armed forces of the Union and acting as such or a

Police Officer, goes armed with any sword, spear, bludgeon, gun or other offensive weapon or with any explosive or corrosive substance in any street or public place unless so authorised by lawful authority, shall be liable to be disarmed by any Police Officer, and the weapon or substance so seized shall be forfeited to the State Government, unless redeemed within two months by payment of such fine not exceeding five hundred rupees as the Commissioner or the District Magistrate in areas under his respective charges imposes.

98. Possession of property of which no satisfactory account can be given.—Whoever has in his possession or conveys in any manner, or offers for sale or pawn, anything which there is reason to believe is stolen property, or property fraudulently obtained, shall, if he fails to account for such possession or act to the satisfaction of the Magistrate, on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to one hundred rupees or with both.

99. Omission by pawnbroker, etc., to report to the Police the possession or tender of property suspected to be stolen.—Whoever being a pawnbroker, dealer in second hand property, or worker in metals or reasonably believed by the Commissioner or the Superintendent in the area under their respective charges to be such a person, and having received from a Police Officer a written or printed information that the possession of any property suspected to have been transferred by any offence mentioned in section 410 of the Indian Penal Code or by any offence punishable under sections 417, 418, 419 or 420 of the said Code, is found in possession or thereafter comes into the possession or has an offer either by way of sale, pawn, exchange or for custody, alteration or otherwise, howsoever made to him of property answering the description contained in such information shall, unless—

(i) he forthwith gives information to the Commissioner or the Superintendent, as the case may be, or at a Police Station, of such possession or offer and takes all reasonable means to ascertain, and to give information as aforesaid of the name and address of the person from whom the possession or offer was received, or

(ii) the property being, as an article of common wearing apparel or otherwise, incapable of identification from the written or printed information given, has in no way concealed after the receipt of such information.

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

100. Melting, etc., of such property.—Whoever, having received such information as is referred to in section 99, alters, melts, defaces or puts away or causes or suffers to be altered, melted, defaced or put away without the previous permission of the police, any such property, shall, on proof that the same was stolen property within the meaning of section 410 of the Indian Penal Code, or property in respect of which an offence punishable under sections 417, 418, 419 or 420 of the said Code has been committed, be punished with imprisonment for a term which may extend to three years or with fine or with both.

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

102. Penalty for permitting disorderly conduct at places of public amusements, etc.—Whoever, being the keeper of any place of public amusement or entertainment, knowingly permits drunkenness or other disorderly behaviour or any gaming whatever, in such place shall, on conviction be punished with a fine which may extend to one hundred rupees.

103. Penalty for contravention of * * orders under section 31.—Save as provided in section 105, whoever,

(a) contravenes any * * orders made under section 31 or any of the conditions of a licence issued under such * order or

(b) abets the commission of any offence under clause (a), shall, on conviction, be punished—

(i) if the * * order * * * * * under which the said licence was issued was made under clauses (n) and (o) of sub-section (1) of section 31, with fine which may extend to two hundred rupees;

(ii) if the * * order contravened was made under clause (y) of sub-section (1) of section 31, with imprisonment which may extend to three months or with fine which may extend to five hundred rupees or with both;

(iii) if the * * order contravened or the * order under which the said licence was issued was made under any other clause, with fine which may extend to fifty rupees or in default to simple imprisonment which may extend to eight days.

104. Liability of licensee of place of public entertainment for acts of servants.—The holder of a licence granted under this Act in respect of a place of public entertainment shall be responsible, as well as an actual offender for any offence under section 103 committed by his servants or other agents 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 an offence.

105. Penalty for not obtaining a licence or for not renewing the licence within the specified period in respect of public entertainment.—

(1) Whoever fails to obtain a licence under this Act in respect of a place of public entertainment or to renew a licence granted under this Act in respect of such a place within the prescribed period, shall, on conviction, be punished with fine which may extend to fifty rupees.

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

(3) If a person fails to comply with any direction under sub-section (2), he shall on conviction, be punished with imprisonment for a term which may extend to one month or with fine which may extend to two hundred rupees, or with both.

(4) Without prejudice to any action taken under sub-section (3), on failure of such a person to comply with the directions of the court, any Police Officer authorised by the Commissioner or the District Magistrate, 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.

106. Penalty for disobedience to order under section 30.—Whoever contravenes, disobeys, opposes, or fails to conform to an order under section 30 requiring him to vacate any premises, shall, on conviction, be punished with imprisonment which may extend to three months or with fine which may extend to five hundred rupees or with both.

107. Penalty for contravening rules, etc., under section 33 or 34.—Whoever—

(a) contravenes any rule made under section 33, or

(b) contravenes, disobeys, opposes or fails to conform to any order given by a Police Officer under section 34,

shall, on conviction, be punished with fine which may extend to two hundred rupees.

108. Penalty for contravention of rules or directions under section 35, 38 or 39,—Whoever disobeys an order lawfully made under section 35, 38 or 39 or abets the disobedience thereof, shall, on conviction, be punished,—

(i) if the order disobeyed or of which the disobedience was abetted was made under sub-section (1) of section 35, or under section 38 or section 39, with imprisonment for a term which may extend to one year but shall not, except for reasons to be recorded in writing, be less than four months and shall also be liable to fine;

(ii) if the said order was made under sub-section (2) of section 35, with imprisonment which may extend to one month or with fine which may extend to one hundred rupees; and

(iii) if the said order was made under sub-section (3) of section 35, with fine which may extend to one hundred rupees.

109. Penalty for contravening orders under section 36 or 37.—Whoever contravenes or disobeys any order or direction made under section 36 or section 37 or any conditions of a licence granted thereunder or abets the contravention or disobedience thereof shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both.

110. Penalty for contravening direction under section 40 or order under section 41.—(1) Whoever opposes or fails to conform to any direction given by the Police under section 40, shall on conviction, be punished with fine which may extend to two hundred rupees.

(2) Whoever fails to comply with an order made under section 41, shall, on conviction, be punished with fine which may extend to twenty-five rupees for every day that order continues to be disobeyed by him.

111. Penalty for contravention of a regulation made under section 42.—Whoever contravenes or abets the contravention of any regulation made under section 42, shall, on conviction, be punished with imprisonment which may extend to three months or with fine which may extend to two hundred rupees or with both.

112. Penalty for contravening directions under section 70.—Whoever opposes or fails to conform to any direction given by a police officer under section 70 or abets the opposition or failure to do so, shall, on conviction, be punished with fine which may extend to fifty rupees.

113. Penalty for contravention of directions under section 54, 55, 56 or 63.—Whoever opposes or disobeys or fails to conform to any direction issued under section 54, 55, 56 or 63 or abets opposition to or disobedience of any such direction shall, on conviction, be punished with imprisonment which may extend to one year, but shall not, except for reasons to be recorded in writing, be less than four months, and shall also be liable to fine.

114. Penalty for entering area from which person has been directed to remove himself.—Notwithstanding anything contained in section 61, any person who, in contravention of a direction issued to him under sections 54, 55, 56 or 63 enters the area from which he was directed to remove himself, shall on conviction, be punished with imprisonment for a term which may extend to two years, but shall not, except for reasons to be recorded in writing be less than six months, and shall also be liable to fine.

115. Penalty for failure to surrender in accordance with sub-section (3) of section 62.—Whoever fails without sufficient cause to surrender in accordance with sub-section (3) of section 62, shall, on conviction, be punished with imprisonment which may extend to two years and shall also be liable to fine.

116. Penalty for contravention of orders under section 64.—(1) Whoever contravenes any order made under sub-section (1) of section 64, shall, on conviction, be punished with imprisonment for a term which may extend to one year or with fine or with both.

(2) Whoever contravenes any order made under sub-section (2) of section 64, shall, on conviction, be punished with imprisonment for a term which may extend to three years or with fine or with both.

117. Neglect or refusal to serve as Special Police Officer.—Any person who having been appointed a Special Police Officer under section 19, * , without sufficient cause, neglects or refuses to serve as such or to obey any lawful order or direction that may be given to him for the performance of his duties; shall, on conviction, be punished with fine which may extend to fifty rupees.

118. Penalty for making false statement, etc., and for misconduct of Police Officer.—(1) (i) Any person who makes a false statement or uses a false document for the purposes of obtaining employment or release from employment as a Police Officer, or

(ii) any Police Officer who—

(a) contravenes the provisions of section 28; or

(b) is guilty of cowardice; or

(c) resigns his office or withdraws himself from the duties thereof in contravention of section 27; or

(d) is guilty of any wilful breach, or neglect of any provision of law or of any rule or order which, as such Police Officer, it is his duty to observe or obey, or

(e) is guilty of any violation of duty for which no punishment is expressly provided by any other law in force,

shall, on conviction * , be punished with imprisonment for a term which may extend to three months or with fine which may extend to one hundred rupees, or with both.

(2) A Police Officer who, being absent on leave, fails, without reasonable cause, to report himself for duty on the expiration of such leave, shall, for the purposes of sub-clause (c) of clause (ii) of sub-section (1) be deemed to withdraw himself from the duties of his office within the meaning of section 27.

119. Penalty for failure to deliver up certificate of appointment or of office or other article.—Any Police Officer, who wilfully neglects or refuses to deliver up his certificate of appointment or of office or any other article, in accordance with the provisions of sub-section (1) of section 29, shall, on conviction, be punished with imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees or with both.

120. Vexatious entry, search, arrest, etc., by a Police Officer.—
Any Police Officer who—

(a) without lawful authority or reasonable cause enters or searches, or causes to be entered or searched, any building, vehicle, vessel, tent or place; or

(b) vexatiously and unnecessarily seizes the property of any person; or

(c) vexatiously and unnecessarily detains, searches or arrests any person; or

(d) offers any unnecessary personal violence to any person in his custody; or

(e) holds out any threat or promise not warranted by law shall for every such offence, on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees, or with both.

121. Penalty for vexatious delay in forwarding a person arrested.—
Any Police Officer who vexatiously and unnecessarily delays forwarding any person arrested to a Magistrate or to any other authority to whom he is legally bound to forward such person, shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both.

122. Penalty for opposing or not complying with direction given under section 72.—Whoever opposes or fails forthwith to comply with any reasonable direction given by a Magistrate or a Police Officer under section 72 or abets opposition thereto or failure to comply therewith, shall, on conviction, be punished with imprisonment for a term which may extend to one year, but shall not, except for reasons to be recorded in writing, be less than four months and shall also be liable to fine.

123. Penalty for causing disaffection, etc.—(1) Whoever intentionally causes or attempts to cause, or does any act which he knows is likely to cause, disaffection towards the Government established by law in India, among the members of the police force, or induces or attempts to induce, or does any act which he knows is likely to induce, any member of the police force to withhold his services or to commit a breach of discipline shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to two hundred rupees, or with both.

Explanation.—Expressions of disapprobation of the measures of the Government with a view to obtain their alteration by lawful means, or of the disapprobation of the administrative or other action of the Government, do not constitute an offence under this section unless they cause or are made for the purpose of causing or likely to cause disaffection.

(2) Nothing shall be deemed to be an offence under this section which is done in good faith—

- (a) for the purpose of promoting the welfare or interests of any member of the police force by inducing him to withhold his services in any manner authorised by law; or
- (b) by or on behalf of any association formed for the purpose of furthering the interests of members of the police force as such, where the association has been authorised or recognised by the Government and the act done is done under any rules or articles of the association which have been approved by the Government.

(3) No court shall take cognizance of any offence under this section except with the previous sanction, or on the complaint, of the District Magistrate.

(4) No court inferior to that of a magistrate of the first class shall try any offence under this section.

(5) Notwithstanding anything contained in Chapter XXII of the Code of Criminal Procedure, 1898, no offence under this section shall be triable summarily.

124. Jurisdiction when offender is a Police Officer above the rank of a constable.—Offences against this Act, when the accused person or any one of the accused persons is a Police Officer above the rank of a constable, shall not be cognizable except by a magistrate not lower than a magistrate of the second class.

125. Penalty for unauthorised use of police uniform.—If any person not being a member of the police force wears, without the permission of the officer authorised by the Government in this behalf or by a general or special order for any area in the State, the uniform of the police force or any dress having the appearance or bearing any of the distinctive marks of that uniform, he shall, on conviction be punished with fine which may extend to two hundred rupees.

126. Prosecution for certain offences against the Act to be in the discretion of the police.—It will not except in obedience to a rule or

order made by the Government or by the competent authority, be incumbent on the Police to prosecute for an offence punishable under section 92, 93, 103, 106, 110, 111 or 117 when such offence has not occasioned serious mischief and has been promptly desisted from on warning given.

127. Summary disposal of certain cases.—(1) A court taking cognizance of an offence punishable under clause (iii) of section 103, for contravention of * an order made under clause (b) of sub-section (1) of section 31, may state upon the summons to be served on the accused person that he may, by a specified date prior to the hearing of the charge, plead guilty to the charge by registered letter and remit to the Court such sum, not exceeding twenty-five rupees, as the court may specify.

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

128. Prosecution for offences under other enactments not affected.—Nothing in this Act shall be construed to prevent any person from being prosecuted and punished under any other enactment for any offence made punishable by this Act or from being prosecuted and punished under this Act for an offence punishable under any other enactment:

Provided that all such cases shall be subject to the provisions of section 403 of the Code of Criminal Procedure, 1898.

CHAPTER IX.

VILLAGE POLICE.

129. Constitution of Village Police.—The village police shall consist of a police patel and such village police officers of such grades as may be prescribed.

130. Administration, control and direction of village police in whom vested.—The administration of the village police in each district shall, under the general control and direction of the Government be exercised by the District Magistrate.

131. Power to delegate.—The District Magistrate may with the sanction of the Government delegate any of his powers under this Chapter to—

- (i) the Superintendent ; and
- (ii) any officer of the Revenue Department in the district exercising the powers of a Magistrate.

Such officer is hereinafter referred to in this Chapter as “the authorised officer”.

132. Village Police in village to be under charge of Police Patel.—(1) Subject to such rules which may be made by the Government in this behalf, the village police in each village shall be appointed by the District Magistrate and shall be under the charge of such person as the District Magistrate shall appoint in writing as the Police Patel.

* * * * *

(2) In any village or place, where the duties cannot be efficiently performed by one police patel, the District Magistrate may appoint one or more additional Police Patels and place them in charge of different divisions into which the village or place may be divided for police purposes.

(3) The District Magistrate may also appoint a Police Patel for more than one village.

133. Duties of Police Patel.—The Police Patel shall, subject to the orders of the District Magistrate,—

(i) act under the orders of the authorised officer and within whose jurisdiction the village is situated ;

(ii) furnish such authorised officer with any returns or information called for and keep him informed as to the state of crime and all matters connected with the Village Police ;

(iii) afford all police officers every assistance in his power which is called upon by them for assistance in the performance of their duties ;

(iv) obey and execute all orders issued to him by a Magistrate or a Police Officer ;

(v) collect and communicate to the Police Officer information affecting the public peace ;

(vi) detect and bring offenders in the village to justice ;

(vii) arrest persons whom he has reason to believe to have committed cognizable offences; and

(viii) prevent within the limits of his village, as far as possible, the commission of offences and public nuisances.

134. Authority over the village servants.—The Police Patel shall have authority to require all village servants, in whatever capacity ordinarily employed, to aid him in performing the duties entrusted to him; and it shall be the duty of the village revenue accountant, whether hereditary or stipendiary, to help the Police Patel in the preparation of returns and proceedings.

135. Precautions against robbery, etc.—The Police Patel shall arrange for the distribution of the village police in the village so as to afford utmost possible security against robbery, breach of the peace and acts injurious to the public and to the village community and shall report to the Magistrate or officer in charge of the police station within whose local jurisdiction the village is situated, all instances of misconduct or neglect committed by any member of the village police.

136. Information received regarding commission of cognizable offences.—The Police Patel shall convey to the police officer in charge of a police station within whose local jurisdiction the village is situated, immediate report of the information which he may receive respecting the commission within the limits of his village of murders, dacoities, robberies, thefts, mischiefs by fire and other cognizable offence and shall * * * * * take necessary measures to preserve the evidence and protect properties connected with the offence, pending the arrival of such police officer.

137. Penalties for neglect of duty and punishment.—(1) The District Magistrate or the authorised officer may for misconduct, neglect of duty, or for any other sufficient cause, impose on any police patel or member of the village police liable to be called upon for the performance of police duties, any of the following punishments, namely:—

(i) fine not exceeding one-fourth of the annual emoluments of his office;

(ii) suspension from office for a period not exceeding six months.

(2) Subject to the provisions of Article 11 of the Constitution, the District Magistrate may, for misconduct, neglect of duty or other sufficient cause, impose on any Police Patel or member of the village police liable to be called for the performance of police duties the punishment of removal or dismissal from office.

(3) Any person aggrieved by an order under sub-section (1) or (2), may within sixty days from the date of receipt of such order, appeal to the prescribed officer and the decision of the prescribed officer on such appeal shall be final.

138. Liability to criminal prosecution not affected.—Nothing in the last preceding section shall affect the liability of any Police Patel or other member of the village police to criminal prosecution for any offence with which he may be charged.

139. Information to Officer in charge of Police Station, when a criminal in the village has escaped or is not known.—If an offence has been committed within the limits of the village and the offender has escaped or is not known, the Police Patel shall forward immediate information to the officer in charge of the police station within whose local jurisdiction the village is situated.

140. Information regarding unnatural or sudden death or corpse found in the village.—If any unnatural or sudden death occurs or any corpse be found within the limits of the village, the Police Patel shall send immediate written information to the officer in charge of the police station within whose local jurisdiction the village is situated and shall assist such Police Officer in any inquest, inquiry or investigation which may be held in respect of such death.

141. Police Patel to arrest person whom he believes to have committed a cognizable offence, and forward him to the police station, etc.—(1) It shall be lawful for the Police Patel to arrest any person within the limits of his village, who, he may have reason to believe has committed an offence for which a Police Officer may arrest without warrant and to forward such person within twenty-four hours of such arrest, together with all articles likely to be useful as evidence to the officer in charge of the police station within whose local jurisdiction the village is situated.

* * * * *

(2) The Police Patel shall have authority in carrying out *
* any pursuit of alleged criminals to enter and act within the

limits of other villages, provided that in such cases immediate information shall be sent to the Police Patel of the village so entered who shall afford all assistance in his power to continue the *
pursuit.

142. Unclaimed Property.—It shall be lawful for the Police Patel to take charge of all unclaimed property found within the village limits or made over to him under the provisions of this Act. He shall forthwith make a report to the District Magistrate or the authorised officer and act thereafter as he may be directed by the said Magistrate, or officer.

143. Provision in case of absence, sudden illness, etc., of Police Patel.—When the Police Patel is unable to attend to his duty on account of absence from the village, sudden illness or other cause, he shall place a competent member of the Village Police * * * * * in charge of his office and make an immediate report to the District Magistrate or authorised officer to whom he is subordinate. The person so placed in charge shall, until receipt of orders to the contrary, be subject to the rights and liabilities of a Police Patel under this Act.

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CHAPTER X.

STATE RESERVE POLICE FORCE.

144. Definitions.—In this Chapter, unless the context otherwise requires,—

- (a) "active duty" means—
- (i) the duty to investigate offences involving a breach of peace or danger to life or property and to search for and apprehend persons concerned in such offences or who are so desperate and dangerous as to render their being at large hazardous to the community ;
 - (ii) the duty to take all adequate measures for the extinguishing of fires or to prevent damage to person or property on the occasion of such occurrences as fires, floods, earthquakes, enemy action or riots and to restore peace and preserve order on such occasions ;

(iii) such other duty as may be specified to be active duty by the Government or the Inspector-General in a direction issued under section 151 ;

(b) 'Commandant' and 'Assistant Commandant' mean respectively persons appointed to be those officers by Government under section 146 ;

(c) 'follower' means any person appointed to do the work of a cook, mess servant, washerman, cobbler, barber, tailor, sweeper or an orderly in connection with the State Reserve Police Force ;

(d) 'members of the subordinate ranks' means members of the State Reserve Police of and below the rank of Subedar Major ;

(e) 'Reserve Police Officer' means any member of the State Reserve Police Force established under this Chapter ;

(f) 'superior officer' means in relation to any Reserve Police Officer, a Reserve Police Officer of a higher rank than, or of a higher grade in the same class as, or of the same rank as, but senior to, himself.

145. Constitution of the State Reserve Police Force.—(1) In addition to the Police Force constituted under section 3, the Government may establish and maintain an armed reserve police force known as the State Reserve Police Force, in such manner as may be prescribed.

(2) The Government or any officer empowered by it in this behalf may—

(a) divide the State Reserve Police Force into battalions ;

(b) sub-divide * * * * * each battalion into companies and each company into platoons ;

(c) post any * * * * * , battalion, company or platoon at such places as the Government or the officer empowered by it in this behalf may deem fit.

146. Superintendence, control and administration of Force.—(1) The Government may appoint for each battalion * * * a Commandant who shall be a person * * * * * of the rank of a * Superintendent and Assistant Commandants of the rank of Deputy Superintendents.

(2) The Commandant, the Assistant Commandant, * * * and every such other officer so appointed shall have and may exercise such powers and authority as may be provided by or under this Act.

(3) Subject to the general or special orders of the Government the Inspector-General of Police shall appoint the Subedar Majors and Subedars. * * * *

147. Enrolment.—(1) Before any person appointed to be a Reserve Police Officer joins his appointment a declaration in the form in Schedule II shall be read out and, if he so desires, explained to him in the presence of a Commandant or an Assistant Commandant or a Police Officer not lower in rank than a Superintendent or a Deputy Commissioner of Police and shall be signed by him in token of his having undertaken to abide by the conditions prescribed therein. The declaration shall then be attested by such Commandant, Assistant Commandant or Police Officer, as the case may be.

(2) No Reserve Police Officer shall resign his appointment except in accordance with the terms of the declaration signed by him under sub-section (1).

(3) If any Reserve Police Officer resigns in contravention of this section, he shall be liable, without prejudice to any other penalty imposed by this Act or any other law for the time being in force, on the order of the Commandant to forfeit all arrears of pay due to him.

148. Transfers.—(1) Notwithstanding anything contained in this Act, it shall be competent for the Government to transfer members of the Police Force appointed under Chapter II, to the State Reserve Police Force established under this Chapter and *vice versa*:

Provided that the Government may delegate its power under sub-section (1) in so far as it relates to the members of the subordinate ranks of the respective Police Force to the Inspector-General.

(2) On the transfer of a member of the Police Force appointed under Chapter II to the State Reserve Police Force established under this Chapter, or *vice versa*, he shall be deemed to be a member of the Police Force to which he is transferred and in the performance of his functions, he shall, subject to such orders as the Government may make, be deemed to be vested with the powers and privileges and be subject to the liabilities, of a member of such grade in the Police Force to which he has been transferred, as may be specified in the orders.

149. Certificate of appointment.—(1) A Subedar Major and Subedar * * * shall, on appointment, receive from the Inspector-General a certificate of appointment containing particulars of his name, age and his previous service, if any.

(2) Every Reserve Police Officer below the rank of a Subedar shall on appointment receive a certificate in the form of Schedule III, which shall be issued under the seal of the Commandant.

(3) Every person who for any reason ceases to be a Reserve Police Officer, shall forthwith deliver up to an officer empowered by the Commandant to receive the same, his certificate of appointment and the arms, accoutrements, clothing and other necessaries which have been furnished to him for the execution of his office.

150. General powers of Commandant.—The Commandant shall, subject to the orders of the Inspector-General of Police, direct and regulate all matters of arms, drill, exercise, mutual relations, distribution of duties, and all the matters of executive detail in the fulfilment of their duties by the members of the * battalion in his charge.

151. General duties of members of the State Reserve Police Force.—(1) Every Reserve Police Officer shall, for the purposes of this Act, be deemed to be always on duty in the State of Mysore and any Reserve Police Officer and any member or body of Reserve Police Officers may, if the Government or the Inspector-General of Police so directs, be employed on active duty for so long as and wherever the service of the same may be required.

(2) Every direction issued under sub-section (1) shall specify that the duty on which any Reserve Police Officer or any member or body of such officers is directed to be employed shall be deemed as active duty for the purpose of this Act.

Explanation.—The direction of the Government or of the Inspector-General of Police whether a Reserve Police Officer is required or is on active duty shall be final.

(3) A Reserve Police Officer employed on active duty under sub-section (1), or when a number or body of Reserve Police Officers are so employed, the officer in charge of such number or body shall be responsible for the efficient performance of that duty and all police officers who but for the employment of one or more reserve police officers or body of reserve police officers would be responsible for the performance of that duty will, to the best of their ability, assist and co-operate with the said reserve police officer or officers in charge of a number or body of reserve police officers.

152. Reserve Police Officer to be deemed to be in charge of Police station.—(1) When employed on active duty at any place

under sub-section (1) of section 151, the senior reserve police officer of the highest rank not being lower than that of a Naik present shall be deemed to be an officer in charge of the police station for the purposes of Chapter IX of the Code of Criminal Procedure 1898.

(2) Notwithstanding anything contained in sections 100 and 103 of the Indian Penal Code, a Reserve Police Officer employed as aforesaid may, when there is reasonable apprehension of assault on himself or any Reserve Police Officer or of damage or harm to any property or person which or whom it is his duty to protect, use such force to the wrong doer or assailant as may be reasonably necessary even though the use of such force may involve risk of death of the wrong doer or the assailant or any other person assisting such wrong doer or assailant.

153. Offence in respect of resignation contrary to provisions.—If any reserve police officer resigns his appointment in contravention of section 147, he shall be punished with imprisonment for a term which may extend to one year or with fine which may extend to one thousand rupees or with both.

154. Offence in respect of refusal to deliver certificate of appointment, etc.—Any reserve police officer who wilfully neglects or refused to deliver up his certificate of appointment or any other article in accordance with sub-section (3) of section 149, shall be punished with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both.

155. More heinous offences.—Every Reserve Police Officer who,—

(a) begins, excites, causes, or conspires to cause or joins in any mutiny, or being present at any mutiny, does not use his utmost endeavours to suppress it by force of arms, if necessary, or knowing, or having reason to believe in, the existence of any mutiny, or of any intention or conspiracy to mutiny or of any conspiracy against the State, does not, without delay, give information thereof to his superior officer present at or near the place, or

(b) uses, or attempts to use criminal force to, or commits an assault on his superior officer, knowing or having reason to believe him to be such, whether on or off duty; or

(c) shamefully abandons or delivers up any post, guard, building, fortification, or property which is committed to his charge, or which it is his duty to defend; or

(d) in the presence of any person in arms against whom it is his duty to act, shamefully casts away his arms or his ammunition or intentionally uses words of any other means to induce any reserve police officer or any police officer to abstain from acting against any such person in arms, or to discourage such officer from acting against any such person in arms or who is otherwise guilty of cowardice or misbehaviour in the presence of any such person in arms ; or

(e) directly or indirectly holds correspondence with, or communicates intelligence to, or assists, or relieves, any person in arms against the State, or any person conspiring against Government or public security or any person to be arrested, or omits to discover immediately to his superior officer present, any such correspondence or communications coming to his knowledge ; or

(f) directly or indirectly sells, gives away, or otherwise disposes, or agrees to, or assists in, the sale, gift or disposal of any arms, ammunition or equipment to any such person as aforesaid, or knowingly harbours or protects any such person ; or

(g) while on active duty,—

(i) disobeys the lawful command of his superior officer ; or

(ii) deserts his force or his post ; or

(iii) being a sentry, or otherwise detailed to remain alert, sleeps at his post or quits it without being regularly relieved or without leave ; or

(iv) without authority leaves his commanding officer for any purpose whatsoever ; or

(v) uses criminal force to, or commits an assault on, any person whom he has not any reason to believe to be in arms against the State and against whom it is his duty to act, or without authority breaks into any house or other place for plunder or any illegal purpose, or wilfully and unnecessarily plunders, destroys or damages any property of any kind ; or

(vi) intentionally causes or spreads a false alarm in action or in camp, garrison or quarters,

shall, on conviction, be punished with rigorous imprisonment for a term which may extend to fourteen years and shall also be liable to fine.

Explanation.—A Reserve Police Officer shall be deemed to desert the force if he leaves his place of duty or posting without the permission of his superior officer and he shall be deemed to desert his post if he

leaves any sentry, beat, point, building, vehicle, or other place at which or in which he is specifically ordered by his superior officer to perform the duty assigned to him.

156. Less heinous offences.—Every Reserve Police Officer who,

(a) assaults or uses or attempts to use criminal force to any sentry ; or

(b) being in command of a guard, piquet or patrol, refuses to receive any prisoner lawfully made over to his charge, or whether in such command or not, releases any prisoner or person without proper authority or negligently suffers any prisoner or person to escape ; or

(c) being in command of a guard, piquet or patrol, permits any person belonging to such guard, piquet or patrol to engage himself in gambling of other behaviour prejudicial to good order and discipline ; or

(d) being under arrest or in confinement, leaves his arrest or confinement before he is set at liberty by lawful authority ; or

(e) is grossly insubordinate to his superior officer in the execution of his office ; or

(f) refuses to superintend or assist in making or carrying out of any construction of any description ordered to be made either in quarters or in the field ; or

(g) assaults or otherwise ill-uses any reserve police officer with reference to whom he is a superior officer ; or

(h) designedly or through neglect damages or loses or fraudulently or without due authority disposes of his arms, clothes, tools, equipment, ammunition, accoutrements or other necessaries furnished to him for the execution of his office or any such articles entrusted to him or to any other person ; or

(i) malingers, feigns, or produces disease or infirmity in himself or intentionally delays his cure or aggravates his disease or infirmity ; or

(j) with intent to render himself or any other person unfit for duty, voluntarily causes hurt to himself or any other person ; or

(k) commits extortion or without lawful authority extorts from any person carriage, portorage or provisions ; or

(l) wilfully or negligently illtreats, injures or causes the death of any animal or damages, loses, or makes away with any animal or vehicle used in the public service ;

shall, on conviction, be punished with rigorous imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both.

157. Reserve Police Officer in command to give information of offences committed under the Act by Reserve Police Officer under his charge.—A Reserve Police Officer who, being in command of any guard, piquet, party, patrol or detachment and knowing of the commission or of a design to commit any offence punishable under the preceding three sections, by or on the part of any reserve police officer under his command, intentionally omits or without reasonable excuse, the burden of proving which shall lie on him, fails to give information of such commission or design to his superior officer shall, on conviction, be punished with rigorous imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both.

158. Place of imprisonment and liability to dismissal on imprisonment.—(1) Every person sentenced under this Act to imprisonment may be dismissed from the State Reserve Police Force, and his pay, allowance and any other moneys due to him, as well as any medals and decorations received by him shall further be liable to forfeiture.

(2) Every such person shall, if he is so dismissed, be imprisoned in the prescribed prison, but if he is also not dismissed from the State Reserve Police Force, he may, if the Court so directs, be confined in the quarterguard or such other place as the Court may consider suitable.

159. Minor punishments.—(1) A Commandant, or subject to the control of the Commandant, an Assistant Commandant or subject to the same control, an officer not below the rank of Jamadar in independent command of a detachment or an outpost or in temporary command of Group Headquarters during the absence of the Commandant or Assistant Commandant may award to any reserve police officer not higher in rank than a Battalion Havildar Major or to any follower subject to his authority, any of the following punishments for the commission of any offence against discipline which is not otherwise provided for in this Act, or which in the opinion of the Commandant, Assistant Commandant or officer, as the case may be, is not of sufficiently serious nature to call for the prosecution before a criminal court, that is to say,—

(a) punishment drill, extra guard, fatigue or any other duty for a term which may extend when the order is passed by the

Commandant to fourteen days, and, when the order is passed by any other officer, to seven days;

(b) forfeiture of pay and allowance or such portion of pay and allowance as he considers necessary for a period which may extend, when the order is passed by the Commandant, to one month, and when the order is passed by any other officer, to ten days;

(c) fine to an amount not exceeding one month's pay;

Provided that—

(i) no power under this sub-section shall be exercised by a Commandant or Assistant Commandant or other officer not below the rank of a Jamadar unless the person to be awarded any of these punishments is under the command of such officer at the time when the breach of discipline or misconduct occurred and also when the power is exercised, and

(ii) when more than one officer are competent under proviso (i) to exercise the power, the most senior of such officers shall exercise the power.

(2) Any of the punishments specified in sub-section (1) may be awarded separately or with any one or more of the others:

Provided that fine shall not be awarded in combination with forfeiture of pay or allowances.

(3) No appeal shall lie from any order or punishment passed under this section except from an order of punishment of fine as provided in sub-section (4).

(4) An appeal against any order awarding punishment of fine shall lie to the Government or to such officer as the Government may by general or special order specify in this behalf.

(5) Whenever a Commandant or an Assistant Commandant or other officer passes an order under sub-section (1), he shall enter in a book to be kept for the purpose a brief description of the default, together with the names of witnesses, explanation of the defaulter and the order of punishment and shall sign and date each such order.

160. Protection for acts of members of Force.—(1) In any suit or proceeding against any member of the State Reserve Police Force for any act done by him in pursuance of a warrant or order of a competent authority, it shall be lawful for him to plead that such act was done by him under the authority of such warrant or order.

(2) Any such plea may be proved by the production of the warrant or order directing the act, and if it is so proved, the member of the said Force shall thereupon be discharged from liability in respect of the act so done by him, notwithstanding any defect in the jurisdiction of the authority which issued such warrant or order.

161. Reserve police officer to be a police officer.—Except as specifically provided in this Chapter, every Reserve Police Officer shall for all purposes be deemed to be a police officer as defined in section 2, and the provisions of this Act shall except in so far as they are inconsistent with the provisions of this Chapter apply to every such Reserve Police Officer.

CHAPTER XI.

MISCELLANEOUS.

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

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

163. Power of Government to make rules.—(1) The Government may, after previous publication, by notification in the Official Gazette make rules for carrying out the purposes of this Act.

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

- (i) organisation and regulation of the Village Police such as
 - (a) the relation of members of the Village Police Force to one another and to the regular Police, (b) the power or duties of Village Police Officers of different grades, (c) the manner of appointment of Police Patel and other Village Police Officers and the procedure to be followed in making such appointment;

(ii) for the registration, surveillance, and control of gangs or classes or persons believed to be addicted to the systematic commission of crime and for the recording of finger impressions by the Police of any person who—

(a) is in custody for a non-bailable offence, or

(b) has no settled abode and is suspected to be addicted to crime, or

(c) is a member of a gang or class of persons generally addicted to crime ;

(iii) (a) regulation of the number, classes and grades of the State Reserve Police Force and its administration and inspection ;

(b) recruitment, organisation, classification, and discipline of the subordinate ranks of the State Reserve Police ; and

(c) description and quantity of arms, accoutrements, clothing and other necessaries to be furnished to the members of the Police ;

(d) disposal of property taken charge under section 75.

(3) For every breach of any rule under clause (ii) of sub-section (2), the offender shall, on conviction, be punished with imprisonment not exceeding eight days or with fine not exceeding ten rupees.

(4) All rules made by the Government under this Act, shall be laid as soon as may be after they are made, before each House of the State Legislature while it is in session, for a total period of thirty days, which may be comprised in one session or in two successive sessions and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be ; so however that any such modification or annulment shall be without prejudice to the validity of anything done under that rule.

(5) All rules made under this Act shall, subject to any modification made under sub-section (4), have effect as if enacted in this Act.

164. Method of proving orders and notifications.—Any order or notification published or issued by the Government or by a Magistrate or Officer under any provision of this Act, and the due publication or issue thereof, may be proved by production of a copy thereof, in the Official Gazette or of a copy thereof signed by such Magistrate or

Officer, and by him certified to be a true copy of the original published or issued according to the provisions of the section of this Act applicable thereto.

165. Rules and orders not invalidated by defect in form or irregularity in procedure.—No rule, order, direction, adjudication, inquiry or notification made or published, and no act done under any provision of this Act or of any rule made under this Act, or insubstantial conformity to the same, shall be deemed illegal, void, invalid or insufficient by reason of any defect of form or any irregularity of procedure.

166. Presumptions in prosecutions for contravention of directions issued under section 54, 55, 56 or 63.—Notwithstanding anything contained in any law for the time being in force in a prosecution for an offence for the contravention of a direction issued under section 54, 55, 56 or 63 on the production of an authentic copy of the order, it shall, until the contrary is proved and the burden of proving which shall lie on the accused, be presumed—

(a) that the order was made by the authority competent under this Act to make it,

(b) that the authority making the order was satisfied that the grounds on or the purpose for which it was made existed and that it was necessary to make the same; and

(c) that the order was otherwise valid and in conformity with the provisions of this Act.

167. Officers holding charge of, or succeeding to, vacancies competent to exercise powers.—Whenever in consequence of the office of a Commissioner, * * * or Police Officer becoming vacant, any officer holds charge or additional charge of the post of such Commissioner, * * * or Police Officer or succeeds, either temporarily or permanently, to his office, such officer shall be competent to exercise all the powers and perform all the duties respectively conferred and imposed by this Act on such Commissioner, * * * or Police Officer, as the case may be.

168. Forfeiture of bond entered into by person permitted to enter or return to the area from which he was directed to remove himself.—If any person permitted under sub-section (1) of section 62 fails to observe any condition imposed under the said sub-section or in the bond entered into by him under sub-section (2) of the said section, his bond shall be forfeited and any person bound thereby shall pay the penalty thereof or show cause to the satisfaction of the court why such penalty should not be paid.

169. Protection of Magistrate, Police Officer or public servant.—(1) No Magistrate or Police Officer shall be liable to any penalty or to payment of damage on account of any act done in good faith in pursuance or intended pursuance of any duty imposed on any authority conferred on him by any provision of this Act or of any other law for the time being in force or any rule, order or direction made or given therein.

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

170. Suits or prosecutions in respect of acts done under colour of duty as aforesaid not to be entertained without sanction of Government.—(1) In any case of alleged offence by the Commissioner, a Magistrate, Police Officer or Reserve Police Officer or other person, or of a wrong alleged to have been done by such Commissioner, Magistrate, Police Officer or Reserve Police Officer or other person, 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, the prosecution or suit shall not be entertained except with the previous sanction of the Government.

(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 one month's notice at least of the intended suit with sufficient description of the wrong complained of, failing which such suit shall be dismissed.

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

171. Licences and permissions to specify conditions, etc. and to be signed.—(1) Any licence or written permission granted under the provisions of this Act shall specify the period and locality for which, and the conditions and restrictions subject to which, the same is granted, and shall be given under the signature of the competent

authority and such fee shall be charged therefor as 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 if any of its conditions or restrictions is infringed or evaded by the person to whom it has been granted if such person is convicted of any offence in any matter to which such licence or permission relates.

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

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

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

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

173. Consent, etc., of a competent authority may be proved by writing under his signature.—Whenever under this Act, the doing or the omitting to do anything or the validity of anything depends upon the consent, approval, declaration, opinion or satisfaction of a competent authority a written document signed by a competent authority purporting to convey or set forth such consent, approval, declaration, opinion or satisfaction shall be sufficient evidence thereof.

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

175. Saving in respect of rescission of certain provisions.—
When—

- (i) any rule or order is made under this Act for a limited period, or
- (ii) any rule or order made under this Act is rescinded, or
- (iii) any provision of sub-section (1) of section 92 is extended to any local area for a limited period, or
- (iv) the extension of any provision of sub-section (1) of section 92 to any local area is rescinded,

the provisions of section 6 of the Mysore General Clauses Act, 1899, shall be applicable as if the rule, order or provision in question were a permanent enactment and had been repealed immediately before its expiry or rescission, as the case may be.

176. Saving of games of skill.—For the removal of doubts it is hereby declared that the provisions of sections 79 and 80 shall not be applicable to the playing of any pure game of skill and to wagering by persons taking part in such game of skill.

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

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

wholly or in part. The decision in such suit shall be subject to appeal; and a rule or order finally adjudged to be unlawful shall by the Government be annulled or reversed or so altered as to make it conformable to law.

178. Repeal and savings.—The enactments mentioned in Schedule IV and any other laws or rules corresponding to any provision of this Act are hereby repealed :

Provided that the provisions of section 6 of the Mysore General Clauses Act, 1899, shall be applicable in respect of the repeal of the said enactments and laws and sections 8 and 24 of the said Act shall be applicable as if the said enactments and laws had been repealed and re-enacted by this Act.

179. Power to remove difficulties.—If any difficulty arises in giving effect to the provisions of this Act in consequence of the transition to the said provisions from the provisions of the Acts in force immediately before the commencement of this Act, the Government may, by notification in the Official Gazette, make such provisions as appear to it to be necessary or expedient for removing the difficulty.

SCHEDULE I.

(See Section 13).

Certificate of Appointment in the Police Force.

State of Mysore.

No.....

Certificate of appointment issued under the Mysore Police Act, 1963.....

Photograph to be affixed in the case of Inspectors and Sub-Inspectors.

Shri. has been appointed as..... and is invested with the powers, functions and privileges of a Police Officer under the Mysore Police Act, 1963 (Mysore Act.....of 1963), in the Mysore Police/Railway Police/Corporation of City of Bangalore.

On the.....day of.....19



Signature.....

Designation.....

Particulars—

- | | |
|--|--------------------------|
| 1. Father's Name..... | Photograph to be affixed |
| 2. Native place..... | in the case of Inspector |
| 3. Age..... | and Sub-Inspector. |
| 4. Length of previous service, if any..... | |

SCHEDULE II

(See section 147).

Form of declaration to be signed before joining appointment in the State Reserve Police Force.

1. (Name in full).....(designation in the case of a member of a Police Force/address in the case of direct recruit).....I.....declare that,—

(1) I am willing to serve, wherever posted, in the State Reserve Police Force.

(2) I shall not be entitled to resign my appointment in the State Reserve Police Force or to apply for a transfer to any other Police Force until I have completed the prescribed period of service in the State Reserve Force, and

(3) I shall not be entitled to resign my appointment or to apply for the transfer in the manner specified in (2) above even after the completion of the prescribed period of service, if on the relevant date I am on active duty or if my resignation or transfer as the case may be would cause the vacancies in my Group to exceed such percentage of the sanctioned strength of the Group as may for the time being have been prescribed by the State Government.

Signature in token of the above declaration having been read out and explained to the declarant and of his having understood and accepted it.

Date

Place.....

Signed in my presence after I had satisfied myself that (name in full).....(designation in the case of a member of a Police Force/full address in the case of a direct recruit).....I..... has understood and accepted the declaration and signed it in my presence.

Signature.....

Designation of the Officer before whom the declaration is signed.

Commandant or Assistant Commandant or Police Officer.

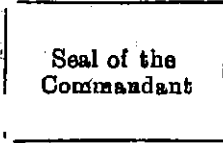
Date.....

Place.....

SCHEDULE III

(See section 149).

Form of Certificate for a State Reserve Police Officer below the rank of a Subedar.



A B has been appointed to the State Reserve Police Force in the State of Mysore and is vested with the powers, functions and privileges of a Reserve Police Officer under the Mysore Police Act, 1963 (Mysore Act..... of 1963).

Signature.....

Commandant,

State Reserve Police Force,

Group.....

.....

G. S. VENKATARAMANA IYER,

Secretary.

SCHEDULE IV.

(See Section 178).

<i>Year</i> (1)	<i>No.</i> (2)	<i>Short title</i> (3)
1861	Central Act V	... The Police Act, 1861.
1867	Central Act III	... The Public Gambling Act, 1867.
1922	Central Act XXII	... The Police (Incitement to Disaffection) Act, 1922.
1867	Bombay Act VIII	... The Bombay Village Police Act, 1867.
1887	Bombay Act IV	... The Bombay Prevention of Gambling Act, 1887.
1951	Bombay Act XXII	... The Bombay Police Act, 1951.
1951	Bombay Act XXXVIII	... The Bombay State Reserve Police Act, 1951.
1305 F	Hyderabad Act II	... The Hyderabad Gambling Act, 1305 Fasli.
1329 F	Hyderabad Act X	... The Hyderabad District Police Act, 1329 Fasli.
1951	Hyderabad Act XXIX	... The Hyderabad Public Security Measures Act, 1951.
1816	Madras Regulation. XI	... The Madras Village Police Regulation, 1816.
1821	Madras Regulation. IV	... The Madras Village Police Regulation, 1821.
1859	Madras Act XXIV	... The Madras District Police Act, 1859.
1888	Madras Act II of 1888	... Madras Places of Public Resort Act, 1888.
1930	Madras Act III	... The Madras Gambling Act, 1930.
1948	Madras Act III	... The Madras Suppression of Disturbances Act, 1948.
1948	Madras Act VIII	... The Police (Madras Amendment) Act, 1948.
1908	Mysore Act V	... The Mysore Police Act, 1908.
1952	Mysore Act XXVII of 1952	... The Mysore Places of Public Resort Act, 1952.