

THE POLICE ACTS

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THE POLICE ACTS

THE POLICE ACT, 1861

THE POLICE ACT, 1861

(ACT V OF 1861)

Received the assent of the Governor-General on 22nd March 1861

An Act for the regulation of police

Preamble

Whereas it is expedient to reorganise the police and to make it a more efficient instrument for the prevention and detection of crime; it is enacted as follows:

1. Interpretation clause.—The following words and expressions in this Act shall have the meaning assigned to them, unless there be some-thing in the subject or context repugnant to such construction, that is to say, —

The words "Magistrate of the district" shall mean the chief-officer charged with the executive administration of a district and exercising the powers of a Magistrate, by whatever designation the chief officer charged with such executive administration as styled;

The word "Magistrate" shall include all persons within the general police-district, exercising all or any of the powers of a Magistrate;

The word "police" shall include all persons who shall be enrolled under his Act;

The words "general police district" shall embrace any Presidency, State or place, or any part of any Presidency, State or place, in which this Act shall be ordered to take effect;

The words "District Superintendent" and "District Superintendent of Police" shall include any Assistant District Superintendent or other person appointed by general or special order of the State Government to perform all or any of the duties of a District Superintendent of Police under this Act in any District;

The word "property" shall include any movable property, money, or valuable security;

The word "person" shall include a company or corporation;

The word "month" shall mean a calendar month;

The word "cattle" shall, besides horned cattle, include elephants, camels, horses, asses, mules, sheep, goats and swine.

References, to the subordinate ranks of a police force, shall be construed a reference to members of that force below the rank of Deputy Superintendent.

Constitution of the force

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

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

Superintendence in the State Government

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

Inspector-General of Police, etc.

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

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

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

7. Appointment, dismissal, etc of inferior officers.—¹ [Subject to the provisions of Article 311 of the Constitution and to such rules as the State Government may from time to time make under this Act, the Inspector General, Deputy Inspectors-General, Assistant Inspectors-General and District Superintendents of Police may at any time dismiss, suspend or reduce any police officer of the subordinate ranks whom they shall think remiss or negligent in the discharge of his duty, or unfit for the same; Or may award any one or more of the following punishments to any police-officer of the subordinate ranks who shall discharge his duty in a careless or negligent manner, or who

by any act of his own shall render himself unfit for the discharge thereof, namely:

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

NOTE. —A Superintendent of Police can dismiss a Sub-Inspector of Police.

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

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

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

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

10. Police-officers not to engage in other employment.—No police officer shall engage in any employment or office whatever other than his duties under this Act. unless expressly permitted to do so in writing by the Inspector-General.

12. Power of Inspector-General to make rules. —The Inspector-General of Police may from time to time, subject to the approval of the State Government, frame such orders and rules as he shall deem expedient relative to the organisation, classification and distribution of the police-force, the places at which the members of the force shall reside, and the particular services to be performed by them; their inspection, the description of arms accoutrements and other necessaries be furnished to them; the collecting and communicating by them of intelligence and information ; and all such other orders and rules relating to the police-force, as the Inspector General shall, from time to time, deem expedient for preventing abuse or neglect of duty, and for rendering such force efficient in the discharge of its duties.

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

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

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

15. Quartering of additional police in disturbed or dangerous districts.—

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

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

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

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

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

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

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

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

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

(a) declare the persons to whom injury has been caused by or has ensued from such misconduct;

(b) fix the amount of compensation to be paid to such persons and the manner in which it is to be distributed among them ; and

(c) assess the proportion in which the same shall be paid by the inhabitants of such area other than the applicant who shall not have been exempted from liability to pay under the next succeeding sub-section :

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

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

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

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

Explanation.—In this section the words "inhabitants shall have the same meaning as in the last preceding section.

16. Recovery of moneys payable under sections 13, 14,15 and 15-A, and disposal of same when recoverd.—(1) All moneys payable under sections 13, 14, 15 and 15-A shall be recoverable by the Magistrate of the District **in** the manner provided by section 368 and 387 of the Code of Criminal Procedure, 1882¹ for the recovery of fines, or by suit in any competent Court.

(2) *[Omitted.]*

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

Special police officers

When it shall appear that any unlawful assembly, or riot or disturbance of the peace has taken place or may be reasonably apprehended, and that the police force ordinarily employed for preserving the peace is not sufficient for its preservation and for the

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

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

19. Refusal to serve as special police-officer.—If any person being appointed a special police officer as aforesaid shall without sufficient excuse, neglect or refuse to serve as such, or to obey such lawful order or direction as may be given to him for the performance of his duties, he shall be liable upon conviction before a Magistrate, to a fine not exceeding fifty rupees for every such neglect, refusal or disobedience.

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

Village police-officer

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

Police chaukidars in the Presidency of Fort William.—If any police-officer appointed under Act XX of 1856 (*to make better provision for the appointment and maintenance of police chaukidars in Cities, Towns Stations, Suburbs and Bazars in the Presidency of Fort William in Bengal*) is employed out of the district for which he shall have been appointed under that Act, he shall not be paid out of the rates levied under the said Act for that district.

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

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

Duties of police officers

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

24. Police-officers may lay Information, etc.—It shall be lawful for any police officer to lay any information before a Magistrate, and to apply for a summons, warrant, search warrant or such other legal process as may by law issue against any person committing an offence.

25. Police-officers to take charge of unclaimed property and be subject to Magistrate order as to disposal.—It shall be the duty of every police-officer to take charge of all unclaimed property, and to furnish an inventory thereof to the Magistrate of the district,

The police-officers shall be guided as to the disposal of such property by such orders as they shall receive from the Magistrate of the district. NOTES—Section 29 does not limit operation of Section 7—AIR 1969 SC 1020.

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

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

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

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

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

Penalties for neglect of duty etc.

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

30 Regulation of public assemblies and processions and licensing of the same.—

(1) The District Superintendent or Assistant District Superintendent of Police may, as occasion requires, direct the conduct of all assemblies and processions on the public

roads, or in the public streets or thoroughfares, and prescribe the routes by which, and the times at which, such processions may pass.

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

(3) On such application being made, he may issue a licence specifying the names of the licensees and defining the conditions on which alone such assembly of such procession is to be permitted to take place and otherwise giving effect to this section : provided that no fee shall be charged on the application for or grant of, any such licence.

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

30-A. Powers with regard to assemblies and procession violating conditions of licence.—Any Magistrate or District Superintendent of Police or Assistant District Superintendent of Police or Inspector of Police or any police officer in charge of a station may stop any procession which violates the conditions of a licence granted under the last foregoing section, and may order it or any assembly which violates any such conditions as aforesaid to disperse.

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

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

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

33. Saving of control of Magistrate of district.—Nothing in the last four preceding sections shall be deemed to interfere with the general control of the Magistrate of the district over the matters referred to therein.

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

Slaughtering cattles, furious, riding etc.—*First*,—Any person who slaughters an cattle or cleans any carcasses : any person who rides or drives any cattle recklessly, or furiously, or trains or breaks any horse or other cattle :

Cruelty to animals.—*Second*— Any person who wantonly or cruelly beats, abuses or tortures any animals

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

Exposing goods for sale—*Fourth*—Any person who exposes any goods for sale:

Throwing dirt into street.—*Fifth*—Any person who throws or lays down any dirt filth, rubbish or any stones or building materials, or who constructs any cowshed, stable or the like, or who causes any offensive matter to run from any house, Factory, dunghheap or the like :

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

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

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

35. **Jurisdiction**—Any charge against a police-officer above the rank of a constable under this Act shall be enquired into and determined only by an officer exercising the powers of a Magistrate.¹

36. Power to prosecute under other law not affected

Nothing contained in this Act shall be construed to prevent any person from being prosecuted under any other Regulation or Act for any offence made punishable under this Act, or from being liable under any other Regulation or Act or any other or higher penalty or punishment than is provided for such offence by this Act:

Proviso.—Provided that no person shall be punished twice for the same offence.

37 **Recovery of penalties and fines imposed by Magistrates.**—The provisions of sections 64 to 70 both inclusive, of the Indian Penal Code, (XLV of 1860) and of sections 386 to 389 both inclusive, of the Code of Criminal Procedure, 1882 (X of 1882)² with respect to fines shall apply to penalties and fines imposed under this Act on conviction before a Magistrate :

Provided that notwithstanding anything contained in section 65 of the first-mentioned Code, any person sentenced to fine under section 34 of this Act may be imprisoned in default of payment of such fine, for any period not exceeding eight days?

38. to 41. * * * *

42. **Limitation of actions.**—All actions and prosecutions against any person, which may be lawfully brought for anything done or intended to be done under the provisions of this Act, or under the general police powers hereby given shall be commenced within three months after the act complained of shall have been committed, and not otherwise; and notice in writing of such action and of the cause thereof shall be given to the defendant, or to the District Superintendent or an Assistant District Superintendent of the district in

which the act was committed, one month at least before the commencement of the action.

Tender of amends.—No plaintiff shall recover in any such action if tender of sufficient amends shall have been made before such action brought, or if a sufficient sum of such action brought by or on behalf of the defendant, and, though a decree shall be given for the plaintiff in any such action, such plaintiff shall *not* have costs against the defendant, unless the Judge before whom the trial is held shall certify his approbation of the action :

Proviso.—Provided always that no action shall in any case lie where such officers shall have been prosecuted criminally for the same act.

43. Plea that act was done under warrant.—When any action or prosecution shall be brought or any proceedings held against any police-officer for any act done by him in such capacity, it shall be lawful for him to plead that such act was done by him under the authority of a warrant issued by a Magistrate.

Such plea shall be proved by the production of the warrant directing the act, and purporting to be signed by Magistrate and the defendant shall thereupon be entitled to a decree in his favour notwithstanding any defect of jurisdiction in such Magistrate. No proof of the signature of such Magistrate shall be necessary, unless the Court shall see reason to doubt its being genuine :

Proviso.—Provided always that any remedy which the party may have against the authority issuing such warrant shall not be affected by anything contained in this section*

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

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

Scope of Act

(1) This Act shall not by its own operation take effect in any Presidency, State or place. But the State Government by an order to be published in the official Gazette may extend the whole or any part of this Act to any Presidency, State or place, and the whole or such portion of this Act as shall be specified in such order shall thereupon take effect in such presidency. State or place.

(2) When the whole or any part of this Act shall have been so extended, the State Government may, from time to time, by notification in the official Gazette, make rules consistent with this Act—

(a) to regulate the procedure to be followed by Magistrates and police-officers in the discharge of any duty imposed upon them by or under this Act;

(b) to prescribe the time, manner and conditions within and under which claims for compensation under section 15-A are to be made, the particulars to be stated in such claims, the manner in which the same are to be verified, and the proceedings (including

local inquiries if necessary, which are to be taken in consequence thereon ; and

(c) generally, for giving effect to the provisions of this Act.

(3) All rules made under this Act may from time to time be amended, added to or cancelled by the State Government.

47. Authority of District Superintendent of Police over village police.—

It shall be lawful for the State Government in carrying this Act into effect in any part of the territories subject to such State Government, to declare that any authority which now is or may be exercised by the Magistrate of the district over any village-watchman or other village police-officer for the purposes of police, shall be exercised, subject to the general control of the Magistrate of the district, by the District Superintendent of Police.

FORM (See section 8)

A. B. has been appointed a member of the police force under Act V of 1861, and is vested with the powers, functions and privileges of a police-officer,

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THE POLICE ACT, 1888

(Act III of 1888)

Received the Governor General's assent on the 17th February, 1888

An Act to amend the law relating to the Regulation of Police

Whereas it is expedient to relax those provisions of Acts for the regulation of police which restrict the employment of police-officers to be presidency. State or place of the police-establishment of which they are members; It is hereby enacted as follows :

1. Title and extent.—(1) This Act may be called the Police Act, 1888.

(2) It extends to the whole of India.

Constitution of police-forces for special purposes

(1) Notwithstanding anything contained in the Madras District Police Act, 1859 (Act XXIV of 1859), the Indian Police Act, 1861 (5 of 1861). the Bombay District Police Act, 1890 (Born. Act 4 of 1890) or any Act relating to the Police in any presidency-town, the Central Government may, by notification in the Official Gazette, create a special police-district embracing parts of two or more States, and extend a every part of the said district the powers and jurisdiction of members of a police-force belonging to a State specified in the notification.

(2) Subject to any orders which the Central Government may make in this behalf, members of the said police force shall have, within every part of any State which any part is included in the said district, the powers, duties, privilege and liabilities which, as police officers, they have in their own State.

(3) Any member of the police-force whom the Central Government shall generally or specially empower to act under this sub-section may, subject to any orders which the Central Government may make in this behalf»exercise within any State any part of which is included in the said district any of the powers of the office in charge of a police station in that State, and when so exercising any such powers, shall, subject to any such order as aforesaid, be deemed to be an officer in charge of a police-station discharging the functions of such an officer within the limits of his station.

(4) A part of a State included in the said district shall not by reason of that inclusion cease, for the purposes of any enactment relating to police, to be part of the State.

Employment of police-officers beyond the State to which they belong

Notwithstanding anything in any of the Acts mentioned or referred to in the last foregoing section, but subject to any orders which the Central Government may make in this behalf, a member of the police force of any State may discharge the functions of a police-officer in any part of any other State and shall, while so discharging such functions be deemed to be a member of the police-force of that part and be vested with the powers, functions and privileges and be subject to be liabilities, of a police officer belonging to that police-force.

4. Consent of State Government to exercise powers and jurisdiction,— Nothing in this Act shall be deemed to enable the police of one State to exercise powers and jurisdiction in any area within another State, not being a railway area, without the consent of the Government of that other State.

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THE POLICE ACT, 1949

(No. LXIV of 1949)

An Act to provide for the constitution of a general police district embracing two or more Union territories and for the establishment of a police force therefor

Whereas it is expedient to provide for the constitution of general police-district embracing two or more Union territories and for the establishment of a police-force therefor;

It is hereby enacted as follows ;—

1. Short title, extent and commencement.—(1) This Act may be called the Police Act, 1949.

(2) It extends to all the Union Territories.

(3) It shall come into force in a Union territory on such date as the Central Government may, by notification in the official Gazette, appoint in this behalf of such territory.

2. Definition.—In this Act "general police-district" means the general police-district constituted under section 3<

3.

Constitution of general police-district embracing two or more Union territories

Notwithstanding anything contained in the Police Act, 1861(V of 1861), the Central Government may, by notification in the official Gazette, constitute a general police-district embracing two or more Union territories.

4.

Constitution of one police-force for general police district

.—The entire police establishment in a general police-district shall be one police force and shall consist of such number of officers and men and shall be constituted in such manner as the Central Government may, by order, direct.

5.

Superintendence and administration of police.

—(1) The superintendence of the police throughout a general police-district shall vest in, and be exercised by, the Central Government.

(2) The administration of the said police-force shall vest in an officer, appointed in this behalf by the Central Government, who shall exercise in respect of that police such of the powers exercisable by an Inspector-General of Police under the Police Act, 1861 (V of 1861), as the Central Government may, by notification in the official Gazette, specify in this behalf.

6. Application of the Police Act, 1861,—Save as otherwise expressly provided in this Act, the provisions of the Police Act, 1861 (V of 1861), shall apply to the police-force constituted for the general police-district as if it were one police force constituted for a State, and members of the said police force shall have, in every part of any territory which is included in the general police district the same powers, duties and privileges, and shall be subject to the same liabilities, as they would have had, or would have been subject to, as police officers if they had formed a police-establishment under one State Government.

7. Saving.—Nothing in this Act shall be deemed to affect the provisions contained in the Delhi Special Police Establishment Act, 1946 (XXV of 1946).

CONTENTS

THE POLICE (INCITEMENT TO DISAFFECTION) ACT, 1922

(No. XXII of 1922)

An Act to provide a penalty/or spreading disaffection among the police and for kindred offences

Whereas it is expedient to penalize the spreading of disaffection among the police and other kindred offences ; It is hereby enacted as follows :—

1. Short title, extent and commencement.—(1) This Act may be called the Police (Incitement to Disaffection) Act, 1952.

(2) It extends to the whole of India, except the territories which immediately before the 1st November, 1946, were comprised in Part B States.

(3) It shall come into force in any State or part of a State on such date as the State Government may, by notification in the official Gazette, direct.

2. Definition.—In this Act, the expression "member of a police-force" means any person appointed or enrolled for the performance of police duties under any enactment specified in the Schedule.

Penalty for causing disaffection, etc

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 amongst the members of a police-force, or induces or attempts to induce or does any act which he knows is likely to induce, any member of a police-force to withhold his services or to commit a breach of discipline shall be punished with imprisonment which may extend to six months, or with fine which may extend to two hundred rupees, or with both.

Explanation.—Expression of disapprobation of the measures of the Government with a view to obtain their alteration by lawful means, or of 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 are likely to cause disaffection.

4. Saving of acts done by police associations and other persons for certain purposes

Nothing shall be deemed to be an offence under this Act which is done in good faith—

- (a) for the purpose of promoting the welfare or interest of any member of a 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 a 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.

5 Sanction to trial of offences by subordinate courts.—No court shall proceed to the trial of any offence under this Act except with the previous sanction, or on the complaint of the District Magistrate or, in the case of a presidency-town, of the Commissioner of Police.

Trial of cases

(1) No Court inferior to that of a Presidency Magistrate or Magistrate of the first class shall try any offence under this Act.

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

CONTENTS

THE POLICE-FORCES (RESTRICTION OF RIGHTS) ACT, 1966
(No. 33 of 1966)

An Act to provide for the restriction of certain rights conferred by Part III of the Constitution in their application to the members of the Forces charged with the maintenance of public order as to ensure the proper discharge of their duties and the maintenance of discipline among them.

Be it enacted by Parliament in the Seventeenth Year of the Republic of India as follows:

1. Short title, extent and commencement.—(1) This Act may be called the Police-Forces (Restriction of Rights) Act, 1966.

(2) It extends to the whole of India.

(1) It shall come into force on such date as may be appointed **in** this behalf by notification in the Official Gazette,—

(a) in a Union territory, by the Central Government, and

(b) in a State, by the Government of the State :

Provided that different dates may be appointed by the Central Government for different Union territories.

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

(2) "member of a police-force" means any person appointed or enrolled under any enactment specified in the Schedule ;

(b) "Police-force" includes any force charged with the maintenance of public order;

(c) "prescribed" means prescribed by rules made under this Act.

3. Restrictions respecting right to form association, freedom of speech, etc.—(1) No member of a police-force shall without the express sanction of the Central Government of the prescribed authority,—

(a) be a member of, or be associated in any way with, any trade union, labour union, political association or with any class of trade unions, labour unions or political associations ; or

(b) be a member of, or be associated in any way with, any other society, institution, association or organisation that is not recognised as part of the force of which he is a member or is not of a purely social, recreational or religious nature , or

(c) communicate with the press or publish or cause to be published any book, letter or other document except where such communication or publication is in the discharge of his duties or is of a purely literary, artistic character or is of a prescribed nature.

Explanation.—If any question arises as to whether any society, institution, association or organisation is of a purely social, recreational or religious nature under clause (b) of this sub-section, the decision of the Central Government thereon shall be final.

(2) No member of a police-force shall participate in, or address, any meeting or take part in any demonstration organised by any body of **persons for** any political purposes or for such other purposes as may be prescribed.

Penalty

Any person who contravenes the provisions of section 3 shall, without prejudice to any other action that may be taken against him, be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to two thousand rupees, or with both.

Power to amend Schedule.

(1) The Central Government may, by notification in the Official *Gazette*, amend the Schedule by including therein any other enactment relating to a force charged with the maintenance of public order or by omitting therefrom any enactment already specified therein and on the publication of the notification such enactment shall be deemed to be specified in, or as the case may be, omitted from, the Schedule.

(2) A copy of every notification issued under sub-section (1) shall be laid before each House of Parliament, as soon as may be after it is issued.

Power to make rules

(1) The Central Government may, by notification in the official *Gazette*, make rules to carry out the purposes of this Act.

(2) Every rule made under this section shall be laid as soon as may be after it is made, before each House of Parliament 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 previously done under that rule.

THE SCHEDULE

1. The Madras District Police Act, 1859 (24 of 1859).
2. The Andhra Pradesh (Andhra Area) District Police Act, 1859 (24 of 1859).
3. The Police Act, 1861 (5 of 1861).
4. The Calcutta Suburban Police Act, 1866 (Bengal Act 2 of 1866).
5. The Calcutta Police Act, 1869 (Bengal Act 4 of 1869).
6. The Bengal Police Act, 1869 (Bengal Act 7 of 1866).
7. The Police Act, 1888 (3 of 1888).
8. The Madras City Police Act, 1888 (Madras Act 3 of 1888).
9. The Bengal Military Police Act, 1892 (5 of 1892).
10. The Andhra Pradesh (Telangana Area) District Police Act, 1329 Fasli (10 of 1329 F).
11. The Eastern Frontier Rifles (West Bengal Battalion) Act, 1920 (Bengal Act 2 of 1920).
12. The Police Act, 1983 (A* D. 1927) (J. & K. Act 2 of 1983).
- 13. The Hyderabad City Police Act, 1348 Fasli (9 of 1348 F.)**
- 14. The Assam Rifles Act, 1941 (5 of 1941).**
- 15. The Orissa Military Police Act, 1946 (Orissa Act 7 of 1946).**
16. The Delhi Special Police Establishment Act, 1946 (25 of 1946).
17. The U. P. Pradeshika Armed Constabulary Act, 1948 (U. P Act 40 of 1948).
- 18. The Central Reserve Police Act, 1949 (66 of 1949).**
19. The Rajasthan Armed Constabulary Act, 1950 (Rajasthan Act 12 of 1950).
- 20. The Bombay Police Act, 1951 (Bombay Act 22 of 1951).**
21. The Bombay State Reserve Police Force Act, 1951 (Bombay Act 38 of 1951)
22. The Kerala Police Act, 1961 (Kerala Act 5 of 1961).
23. The Mysore Police Act, 1963 (Mysore Act 4 of 1964).
- [24. The Nagaland Armed Police Act, 1966 (Nagaland Act No. 6 of 1966).

CONTENTS

THE STATE ARMED POLICE FORCES (EXTENSION OF LAWS) ACT, 1952

Short title and extent.— (1) This Act may be called the State Armed Police Forces (Extension of Laws) Act, 1952.

(2) It extends to the whole of India

2. Definition.—In this Act "armed police-force" means any police-force constituted by any of the enactments specified in the Schedule for the time being in force.

3. Extension of disciplinary laws of any State to members of the armed police forces of that State when serving outside that State.—Where any detachment of an armed police force of a State is serving in any part of any other State, whether independently or by being attached to the police-force of that other State, then, notwithstanding anything contained in section 3 of the Police Act, 1888 (3 of 1888), every member of the said detachment, while discharging the functions of a police-officer in that other State, shall continue to be subject to the same laws in respect of discipline and liabilities as would

have been applicable to him, if he had been discharging those functions within the State to which the said force belongs.

4. Power to add to, or omit from, the Schedule.—The Central Government may, by notification in the official Gazette, add to, or omit from the Schedule any enactment and on the publication of such a notification, the Schedule shall be deemed to be amended accordingly.

5. *(Repeal) [Rep. by the Repealing and Amending Act, 1957 (36 of 1957). S.2 and Sch. i]*

SCHEDULE (See sections 2 and 4)

1. The Bengal Military Police Act, 1892 (5 of 1892)*
2. The Eastern Frontier Rifles (Bengal BataHon) Act, 1920 (Bengal Act • No. 2 of 1920).
- 3 The Bombay State Reserve Police Force Act, 1951 (Bombay Act No. 38 of 1951).
4. The Central Provinces and Berar Special Armed Constabulary Act, 1942 (C.P and Berar Act No. 7 of 1942).
5. The Madhya Bharat Special Armed Force Act, Samvat 2007 (Madhya Bharat Act No. 75 of 1950)
6. The Orissa Military Police Act, 1946 (Orissa Act No 7 of 1946).
7. The Rajasthan Armed Constabulary Act, 1950 (Rajasthan Act No 12 of 1950).
8. The United Provinces Provincial Armed Constabulary Act, 1948 (U. P Act No. 40 of 1948)

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