

THE POLICE ACT, 1861

1. Interpretation:

- a) DM includes all persons within GP-D, exercising all/ any DM powers.
- b) Police include all Persons enrolled in this Act.
- c) GP-D embrace presidency, state/ place/ part where this Act effect ordered.
- d) DSP include Assistant DSP/ other SG appointed perform duty this Act in any District.
- e) Property includes moveable, money or valuable Security.
- f) Person includes company/ corporation.
- g) Month is Calendar Month.
- h) Cattle besides horned cattle, include elephant/camel/horse/ass/mule/sheep/goat/swine.
- i) References to subordinate ranks of police force, refer to its members, below DSP.

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2. Forces constitution. Entire police-establishment under SG deemed one Police force & formally enrol officers, men as order, pay determine, service conditions of subordinate ranks.

3. SG Superintendence. Police in GP-D vest in SG to which subordinate & except authorised this Act, no person/ officer/ court empowered by SG to supersede/ control any police functionary.

4. IG, etc. Police administration in GP-D vests in officer styled IG/DIG/Assistant IG, as SG seem fit & in DM jurisdiction under his general control & direction, be vests in DSP/ such Assistant DSPs, SG consider necessary.

5. IG exercise powers. Have full DM powers throughout GP-D, subject to SG limitation.

7. Appointment/ dismissal etc. of inferior officers. Subject to Article 311 of Constitution, SG rules, IG/ DIG/ IG/ Assistant IG & DSPs may dismiss/ suspend/ reduce any PO of the subordinate ranks negligent in duty/ unfit/ subordinate rank award/ 01 month's pay fine/ 15 days in quarters, with or without punishment, drill/ extra guard/ fatigue/ other duty; deprivation of good-conduct pay/ distinction/ special emolument remove.

8. PO's certificate. Every PO appointed other than u/s 4 receives under IG seal certificate/ other officer he appoint, vested with powers, functions, & privileges. Surrender of certificate upon ceasing such officer to empowered. PO suspended, cease during this term, powers/ functions/ privileges in abeyance, but, continue responsibility/ discipline/ penalties/ same authorities, as if not suspended.

9. POs not resign without leave or 02 month notice. Unless DSP allows/ other officer authorised permission/ without DSP leave, resign unless superior officer notice atleast 02 months.

10. POs not engage other employment or Office, than his duties this Act, unless IG permit.

12. IG makes rules. Subject to SG approval frame orders & rules expedient, classification & distribution of police-force, members reside & services perform particulars, inspection, arms, accoutrements & other necessaries; intelligence; other orders & rules as IG deem expedient to prevent abuse or duty neglect & render duty discharge.

13. Additional PO's. IG/ DIG/Assistant IG/ DSP, subject to DM's general direction, on any person application depute additional POs keep peace in GP-D & exclusively under DSP orders such time at charge of person applied, who after 01 months' notice in writing to them, withdrawn & be relieved charge of additional force, from notice expiry date.

14. Additional force in neighbourhood of railway & canal or other public work or any manufactory or commercial concern is carried/ in operation, IG appears behaviour of persons employed, with SG consent, depute additional force, upon person having control/ funds custody used in carry such work, pay extra force so rendered necessary & cause payment accordingly.

15. Quartering additional Police in disturbed/ dangerous districts. SG, by proclamation in OG notify disturbed or dangerous state found/ inhabitants conduct / class, expedient increase Police. IG / other officer SG authorises, employ police in addition quartered, cost such inhabitants to bear. DM, after enquiry apportion cost among inhabitants bear. SG by order exempts from cost. Proclamation in force be withdrawn/ continued further period as SG direct. "Inhabitants" include persons themselves/ agents/ servants occupy/ hold land/other immoveable property in such area & landlords collect rents, though not reside there.

15A. Compensation Award to inhabitants misconduct/ interested in Land. Area proclamation notified u/s 15, death/ grievous hurt/ loss to property from such acts/ lawful, inhabitant claims suffered within 01 month, apply to DM to compensate or to district sub-division. DM with SG sanction enquire, any additional police-force quartered u/s 15 to declare persons such injury caused; fix compensation; proportion paid by inhabitants. No such declaration, etc., unless opinion riot/ unlawful assembly in such area & suffered injury free from blame to lead injury. SG exempt any person/ class from such liability. Declaration subject to Commissioner of Division/ SG revision, but is final. No civil suit maintainable of injury compensation awarded herein. "Inhabitants" mean same as u/s 15.

16. Recovery of moneys payable u/s 13, 14, 15 & 15A & disposal upon recovery. DM recover u/s 386 & 387 Cr PC, for fine recover/ suit in Competent Court be paid to whom & proportion u/s 15A.

17. Special POs. Unlawful assembly/ riot /disturbance/ reasonably apprehend & police-force not sufficient for inhabitants & property security, PO not below Inspector apply DM nearest who shall appoint neighbourhood residents as POs require act special POs such time & limits necessary, unless cause to contrary, comply with application.

18. Special PO's power. Same powers, privileges & protection & liable same duties & same penalties & be subordinate to same authorities as ordinary PO's.

19. Refusal to serve as special POs. If appointed, without sufficient excuse, neglect/ refuse serve or obey lawful order/ direction liable, upon DM conviction Rs.50/- for every act.

20. PO's authority. Those enrolled this Act not exercise any authority, except as PO & any Act hereafter regulating Criminal Procedure.

21. PO's village. Nothing affect hereditary/ other village, unless such PO enrolled in this Act. Thereafter, bound u/s 20 & no such enrol without his consent & those having nomination rights.

22. Every POs always on duty & employed in any part of GP-D.

23. POs duty. Obey & execute all orders & warrants lawfully issued by competent authority; collect & communicate intelligence affecting public peace; prevent offences & nuisances; offenders to justice & apprehend legally & ground exists & lawful without warrant, enter/ inspect drinking-shop/gaming-house/ resort of loose & disorderly characters.

24. POs may lay information, etc. before DM & apply for summons/ search warrant / other legal process, etc. against any person committing offence.

25. POs take unclaimed property & subject to DM's orders to dispose.

26. DM detain property & issue proclamation. Specify article consists & require any claim thereto to appear & establish right in 06 months of proclamation. Section 525(2) Cr PC apply.

27. Property confiscate if no claimant. In period allowed or proceeds thereof, if sold, it may, if not already sold u/s 26(2) be sold under DM orders & no claim established at SG disposal.

28. Persons refusing to deliver up certificate, etc., on ceasing to be PO. His clothing, accoutrements, appointments & other necessaries supplied for duty, on DM conviction Rs.200/- or Jail, with or without hard labour, upto 06 months or to both.

29. Penalties for neglect of duty, etc. Every PO guilty duty violation/ wilful breach/ neglects rule/ regulation/ lawful order of competent authority/ withdraw duty without permission/ without 02 months Notice / absent on leave, fail, without reasonable cause, to report for duty on leave expiry/ engage without authority in any other employment/ cowardice guilty/ unwarrantable personal violence in his custody, liable, on DM conviction 03 Months pay /Jail with or without hard labour, upto 03 months/ both.

30. Regulating public assemblies, etc. & licensing. DSP /Assistant DSP as occasion require assemblies & processions on public roads/ public streets/ thoroughfares with prescribe routes & time and prescribe that if uncontrolled/peace breach may by notice to persons convening/collecting assembly, etc. to apply Licence. On application, issue it in licensee's names, conditions assembly/ procession permit & effect, no fee charge. Also for music in streets they regulate in festivals & ceremony.

30A. Powers with regard to assemblies & processions license violation. Any DM /DSP/Assistant DSP/ Inspector of Police/ PO police station in-charge may stop any procession violate licence granted in last foregoing section & may order it/ assembly violate to disperse. Neglect/ refuses to obey any such order given deemed unlawful assembly.

31. Police to keep order in public roads, public streets, Ghats, landing-places, public resort etc. & prevent obstructions on assembly/ worship during public worship & obstructed.

32. Penalty for disobeying orders issued under last 03 sections, etc./ DSP/Assistant DSP license violate for music, assembly & procession on DM convict, Rs.200/-. Nothing in last 04 preceding sections interfere with DM general control over matters referred therein.

34. Punishment for certain offences on roads, etc. Road / open place/ street/ thoroughfare in limits of town SG extend, commits following offences, to obstruction, risk, danger, etc. of resident/ passengers on conviction before DM, liable up to Rs.50,000/- or Jail with or without hard labour, not exceeding 08 days & lawful PO take custody, without warrant, any person commits within his view, commit any of these offence/s:-

1st. Slaughtering cattle, furious riding or breaks any horse or other cattle, etc.

2nd. cruelty to animals. Beats, abuses or tortures.

3rd. Obstructing passengers. Keeps any cattle or conveyance longer than required, loading/unload/taking up/setting down passengers/leaves conveyance danger, etc. to public.

4th. Exposing goods for sale.

- ✚ 5th Throwing dirt into street. Filth, rubbish, building materials, constructs cowshed, etc. offensive matter to run from any house or like.
- ✚ 6th Being found drunk or riotous. Incapable to take care himself.
- ✚ 7th Indecent exposure of person. Wilfully & indecently exposes his person or any offensive deformity, etc. by easing himself/ bathing in any tank, etc. not set apart for that purpose.
- ✚ 8th Neglect to protect dangerous places. Fence or protect any well other dangerous place or structure.

35. Jurisdiction. Any charge against PO above constable Rank is enquired & determined only officer exercise DM powers.

36. Not affect prosecution other law for any offence this Act/ liable thereat/ higher penalty / punish under this Act or such other Act/regulation, provided no person punished twice same offence.

37. Recovery of penalties & fines imposed by DMs. U/s 64 to 70 IPC & u/s 386 to 389 Cr PC, on fines applies to penalties this Act on DM conviction. Notwithstanding u/s 65 IPC fine sentence u/s 34 of it be jailed on fine non-payment up to 08 days.

42 Limitation of action: Acts done /intended done/ under general police-powers prosecution in 03 months after commit & notice to defendant/ DSP/ Assistant DSP where committed, 01 month before action.

Tender of amends. No plaintiff recover if sufficient amend made before action brought/ sufficient sum paid into Court after action brought by defendant/ his behalf & though decree to Plaintiff, no costs against Defendant, unless trial Judge certify approbation of action. No action prosecuted criminally for same act.

43. Plea an act under Warrant. When action/ prosecution against any PO, any act done in such capacity, authority of DM warrant issued, lawful to plead, by production direct act & purport signed & defendant entitled to Decree, notwithstanding jurisdiction defect. No signature proof, unless Court doubt genuinely. Remedy against authority issuing warrant not affected herein.

44. POs diary. Police Station in-charge keep general diary in form SG prescribe. Complaints & charges, persons arrested, complainants, charged offences, weapons/ property possession/ otherwise taken / witnesses examined. DM liberty to call & inspect it.

45. SG returns form prescribes. IG & its officers to file with SG.

46. Act's scope. Not by its own operation effect presidency/ state/ place, but SG order by OG extend whole/ part. Then, make rules to regulate DMs procedure & POs duty discharge; time, manner etc. compensate u/s 15A claims, etc. manner verify, proceedings taken consequent thereon & generally giving effect to Act & amend, cancel, etc. these rules.

47. DSP authority over Village Police. Subject to SG declare such village/s, under DM exercises over any village-watchman or other village, PO under his general control, DSP exercise.

Ends

ABBREVIATION(S)

- a) And - &
- b) Code of Criminal Procedure, 1882 – Cr PC
- c) Deputy Inspector General - DIG
- d) District Magistrate – DM
- e) District Superintendent of Police – DSP
- f) General Police-District - GP-D
- g) Indian Penal Code, 1860 - IPC
- h) Inspector General of Police - IG
- i) Official Gazette – OG
- j) Police Officer- PO
- k) State Government – SG
- l) Under Section – u/s

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