

# THE MADRAS DISTRICT POLICE ACT, 1859

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# THE MADRAS DISTRICT POLICE ACT, 1859

ACT No. XXIV OF 1859

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA

*(Received the assent of the Governor General on the 6th September 1859.)*

*An Act for the better regulation of the Police within the Territories subject to the Presidency of Fort St. George.*

**Preamble.**—WHEREAS it is expedient to make the Police Force throughout the Madras Presidency a more efficient instrument at the disposal of the Magistrate for the prevention and detection of crime, and to re-organize the Police Force and improve the condition of the Village Police: it is enacted as follows: —

**I. Interpretation.**—The following words and expressions in this Act shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction (that is to say),

**“Magistrate.”** — The word "Magistrate" shall include all persons, within their respective jurisdictions, exercising all or any of the powers of a Magistrate;

**“Subordinate.”**—The word “Subordinate,” as applied to Police functionaries, shall mean District Superintendents and their Assistants.

**“Police.”**—The word “Police” shall include General and Village Police, Cuttoobadies, Kavilgars, and all other persons, by whatever name known, who exercise any Police functions throughout the Madras Presidency.

**“General Police District.”** - The expression "General Police District" shall embrace all districts to which the operation of this Act shall be extended;

**“Property.”** - The word "property" shall include any movable property, money or valuable security;

**Number.**—Words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number.

**Gender.**—Words importing the masculine gender shall include females.

**“Person.”**—The word “person” shall include company or corporation.

**“Month.”**—The word “month” shall mean calendar month.

**“Cattle.”**— The word "cattle" shall, besides horned cattle, include elephants, camels, horses, asses, mules, sheep, goats and swine.

**II. Laws repealed.**—The several Regulations and Acts mentioned in the Schedule hereunto annexed are hereby repealed and amended to the extent and in the manner therein set forth, within the limits of the General Police District; except so far as they repeal the whole or any part of any other Regulation or Act, and except as to any act or offence which shall have been done or committed, or to any fine or penalty which shall have been incurred or to any proceedings which shall have been commenced, before this Act shall come into operation : **Proviso.** Provided also that nothing in this Section shall be construed to affect any judicial function or jurisdiction original or appellate, which by any existing law may be exercised by any of the Officers mentioned in the enactments above repealed.

**III. Jurisdiction of Officers appointed under Regulation XI. 1816.**—Nothing contained in this Act shall affect the powers of appointment given to Magistrates by Section XL of Regulation XI. 1816 of the Madras Code or the jurisdiction or functions of Officers appointed under such powers, save only that no Officer so appointed shall be competent to exercise any of the functions or duties of Executive Police Officers.

**IV. Superintendence vested in the Governor in Council.**—The superintendence of the police throughout the General Police District shall vest in, and be exercised by the Governor in Council, and, except as authorized by him under the provisions of this Act, no person, Officer, or Court shall be empowered to appoint, supersede, or control any Police functionary, any Regulation Act or usage to the contrary notwithstanding.

**V. Inspector-General of Police, &c.**—The administration of the Police throughout the General Police District shall be vested in an Officer to be styled the Inspector-General of Police for the Presidency of Madras, and in such Subordinates as to the Governor in Council shall seem fit, who shall from time to time be appointed by the Governor in Council, and may be removed by the same authority, and who shall receive such salary as the Governor General of India in Council shall allow.

**VI. Powers of Police, etc.** — All powers not inconsistent with the provisions of this Act which up to the passing of this Act belonged by law to the existing police authorities shall be vested in the Police authorities appointed under this Act: Provided that always that no police functionary so appointed shall possess or exercise any judicial or revenue authority.

**VII. Inspector-General to be appointed a Justice of the Peace. To have the powers of a Magistrate but to exercise such powers under the orders of Government. District Superintendent may be appointed a Magistrate. In what cases he may act in that capacity.**—The Inspector-General of Police shall be appointed a Justice of the Peace; he shall also have the full powers of a Magistrate throughout the General Police District, but shall exercise these powers subject to such orders as may from time to time be issued by the Governor in Council. The Governor in Council may vest any District Superintendent of Police with all or any of the powers of a Magistrate within such limits as he may deem proper; but such Superintendent shall exercise the powers with which he shall be so invested only so far as may be necessary for the peace, the prevention of crime, and the detection, apprehension, and detention of offenders in order to their being brought before a Magistrate, and as far as may be necessary for the performance of the duties assigned to him by this Act.

**VIII. Constitution of the Force.**—The entire Police establishment of the Madras Presidency 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 otherwise constituted in such manner, as shall be from time to time ordered by the Governor in Council with the sanction of the Governor General of India in Council.

**IX. Inspector- General to control Force and make rules.**—The Inspector-General may from time to time, subject to the approval of the Governor in Council, frame such orders and regulations as he shall deem expedient, relative to the general government and distribution of the Force, the places of residence, the classification, rank, and particular service of the members thereof; their inspection ; the description of arms, accoutrements, and other necessaries to be furnished to them ; to the collecting and communicating intelligence and information ; and all such other orders and regulations relative to the said Police Force as the said Inspector-General shall, from time to time, deem expedient for preventing abuse or neglect, and for rendering such Force efficient in the Discharge of all its duties.

**X. Appointment and dismissal of Police Officers.**—The appointment of all Police Officers shall, under such rules as the Governor in Council shall from time to time sanctions, rest with the Inspector-General of Police and the Deputy Superintendents, who may under such rules as aforesaid at any time dismiss, suspend, or fine to any amount not exceeding one month's pay, any Police Officer whom they shall think remiss or negligent in the discharge of his duty, or otherwise unfit for the same.

**XI. Police Officers to receive certificates of Office.**—Every person so appointed shall receive on his enrolment a certificate (A) under the seal of the Inspector-General, by virtue of which he shall be vested with the powers, functions, and privileges of the Police Officer. Such certificate shall cease to have effect whenever the person named in it is suspended or dismissed, or otherwise removed from employment in the Police Force, and shall thereupon be immediately surrendered to his superior Officer, or other person empowered to receive it.

**XII. Police Superannuation Fund.**—There shall be deducted from the pay of every Police Officer of a class not entitled to the benefit of the Uncovenanted Service Pension Rules, a sum after such rate as the

Governor in Council shall direct, not being a greater rate than one anna in the Rupee; which sum so deducted and also the monies accruing from stoppages from the pay of Police Officers during absence from sickness or other cause, and fines imposed on Police Officers for misconduct, and from fines imposed by Magistrates and other upon drunken persons, or for assaults upon Police Officers, and all monies arising from the sale of worn or cast-off clothing, or other articles supplied for the use of the Police, or from any other miscellaneous sources which shall be permitted by the Governor in Council, shall from time to time be invested in such manner and in such securities as the Governor in Council may direct, and the interest and dividends thereof, or so much of the same as shall not be required for the purposes herein mentioned, shall be likewise in vested as aforesaid, and accumulate, so as to form a Fund to be called "The Police Superannuation Fund"; and shall be applied from time to time to the payment of superannuation or retiring allowances, or gratuities, under such rules as may be passed by the said Governor in Council : **Proviso.**-provided always that any Police Officer may be dismissed or removed without superannuation allowance; and that no Police Officer shall be entitled or right to any allowance from this Fund; or shall retain any right to a refund of any deduction made from him pay while he may have been a Police Officer.

**XIII. Additional Police Officers employed at the cost of individuals.**—It shall be lawful for the Inspector-General of Police, or any District Superintendent, if they shall think fit, 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, at the charge of the person making the application, but subject to the orders of the said Inspector-General or District Superintendent and for such time as they shall think fit; provided always 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 or District Superintendent, to require that the Officers so appointed shall be discontinued: such person shall be relieved from the charge of such additional force from the expiration of such notice.

**XIV. Appointment of additional Force in the neighbourhood of Railway and other works.** — Whenever any Railway, Canal, or other Public work shall be carried on, or be in operation in any part of the country, and it shall appear to the Inspector-General that the Appointment of an additional Police Force in such neighbourhood is rendered necessary by the behaviour or reasonable apprehension of the behaviour of the persons employed upon such work, it shall be lawful for the Inspector-General, with the consent of the Governor in Council, to direct the employment of such additional Force, and to maintain the same so long as such necessity shall continue; and to make orders from time to time upon the Treasurer or other Officer having the control or custody of the Funds of any Company carrying on such works, for the payment of the extra Force so rendered necessary as aforesaid.

**XV. Payment of money for support of additional Police Force.**—All monies paid in respect of such additional Force as is mentioned in the two last preceding Sections, shall be paid into a fund to be called "The General Police Fund," and shall be applied to the maintenance of the Police Force under such orders as the Governor in Council may pass; and all sums of money payable under those Sections shall be recoverable by suit in any competent Court or by distress and sale of the goods of the defaulter under the warrant of a Magistrate.

**XVI. Special Police Officers.**—When it shall appear that any tumult, riot, or outrage has taken place, or may be reasonably apprehended in any place, and that the ordinary Officers appointed for preserving of the inhabitants, and the security of property in such place, 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 public or village servants, or residents of the neighbourhood, as such Police Officer may require to act as special Police Officers for such time and in such manner as he shall deem necessary; and it shall be the duty of such Magistrate at once to comply with such applications.

**XVII. Powers of special Police Officers.**—Every special Police Officer so appointed shall have the same powers, privileges, and protection, and be liable to all such duties and penalties, and be subordinate to the same authorities as the ordinary Officers of Police.

**XVIII. Refusal to serve.**—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 him for the performance of his duties, he shall be liable upon conviction before a Magistrate to a fine not exceeding fifty Rupees for such neglect, refusal, or disobedience.

**XIX. Police Officers not to resign without leave or two months' notice.**—No Police Officer shall be at liberty to resign his office, or withdraw himself from the duties thereof, unless expressly allowed to do so in writing by the District Superintendent; or unless he shall have given to his superior Officer two months' notice in writing of his intention to do so. Nor shall any such Police Officer engage in any employment or office whatever, other than his duties under this Act, unless expressly permitted to do so in writing under the seal of the Inspector-General.

**XX. Unlawful assumption of Police functions, personation of Police, &c.**—From and after the passing of this Act, every person, not being, or having ceased to be, a duly enrolled Police Officer, who shall unlawfully assume any function or power belonging to the Police; and who shall not forthwith deliver up his certificate, and all the clothing, accoutrements, and appointments, and other necessaries which may have been supplied to him for the execution of his duty; or who shall have in his possession any distinctive article of the dress or appointment directed to be worn exclusively by the Police Force, without being able to account satisfactorily for his possession thereof; or who shall put on the dress of any Police Officer, or any dress designed to represent it, or to be taken for it; or who shall otherwise personate the character of act the part of any Police Officer for any purpose whatever; shall, in addition to any other punishment to which he may be liable for any offence committed under the assumed character, be liable on conviction before a Magistrate to a penalty not exceeding two hundred Rupees, or to imprisonment, with or without hard labor, for a period not exceeding six months, or both.

**XXI. Duties of Police Officers.**—Every Police Officer shall, for all purposes in this Act contained, be considered to be always on duty and shall have the powers of a Police Officer in every part of the General Police District. It shall be his duty to use his best endeavours and ability to prevent all crimes, offences, and public nuisances; to preserve the peace; to apprehend disorderly and suspicious character; to detect and bring offenders to justice; to collect and communicate intelligence affecting the public peace; and promptly to obey and execute all orders and warrants lawfully issued to him.

**XXII. Police Officer may arrest without warrant.**—It shall be the duty of every Police Officer, and he is hereby authorized, to arrest without warrant—

1. Person charged with or suspected of grave crimes.—Any person who is charged on credible information, or whom he has reasonable ground to suspect of having been concerned in any grave or forcible crime or outrage.

2. Persons charged with aggravated assault recently committed.—Any person who is charged with committing an aggravated assault in every case in which he shall have good reason to believe that such assault has been committed, although not in his view, and that by reason of the recent commission of the offence a warrant could not have been issued.

3. Persons committing a breach of the peace.—Any person committing, or attempting to commit, any breach of the peace in his view, and who refuses to desist on being required thereto.

4. Persons found injuring public buildings, &c.—Any person found injuring the public buildings, roads, tanks, and water channels, or committing any offence punishable by law. **Proviso.** Provided always that where such offence is of a slight and petty nature, it shall not be necessary for the Police Officer to arrest, if, from the circumstances of the case, there is no reason to apprehend that the party will abscond.

5. Vagrants and suspicious persons.—Any vagrant whom he shall find disturbing the public peace, or whom he shall have good cause to suspect of having committed, or being about to commit a crime; all persons whose name and residence is unknown, or whom he may find by night lying or loitering in any high-way, road, or other place, and who, in either case, are unable to give a satisfactory account of themselves.

6. Persons assaulting Police Officer.—Any person who assaults, resists, or obstructs such Police Officer in the execution of his duty or aids or excites others so to do.

7. Persons escaping from legal custody.—All persons who, having been in legal custody, shall have escaped therefrom.

8. Persons charged with an offence, refusing to give name.—All persons who are charged with having done any injury or damage to the person or property of another, and who refuse to give their name and residence, or who give one which there is ground to believe to be false, may be detained solely for the purpose of ascertaining such name and residence, with a view to future proceedings.

**XXIII. Persons arrested without warrant to be taken to Station House until brought before Magistrate or bailed.**—Every person taken into custody by any Police Officer, without warrant, except persons detained for the mere purpose of ascertaining their name and residence, shall forthwith be delivered into the custody of the Police Officer in charge of a Station House, in order that such person may be secured until he brought before a Magistrate to be dealt with according to law, or may give bail for his appearance before a Magistrate, if the Officer in charge shall deem it prudent to take bail as hereinafter mentioned; **Proviso.** Provided always that, where bail is not taken, the prisoner shall be brought before a Magistrate within twenty-four hours, unless circumstances render delay unavoidable.

**XXIV. Release on bail.**—Whenever any person shall be brought in custody, without a warrant, to any Station House, at a time when he cannot at once be sent before a Magistrate, and shall be charged with any bailable offence, or with any unbailable offence of which it shall appear to the Officer in charge of the Station House that the prisoner is falsely accused, it shall be lawful for such Police Officer to release the accused on bail or on his own recognizance to appear before the Magistrate when required.

**XXV. Superior Officer of Police may take recognizance for appearance of prosecutor or witness.**—It shall be lawful for every Police Officer in charge of a Station, or other superior Officer of Police, to bind by recognizance any person to appear as prosecutor or as a witness before the Magistrate by whom any grave charge is being or is about to be investigated; and if any such prosecutor or witness shall refuse to execute such recognizance, it shall be competent to such Officer to forward the person in custody to the Magistrate's Court.

**XXVI. Condition of recognizance.**—Every Recognizance so taken shall be without fee or reward and shall be conditioned for the appearance of the person there by bound before a Magistrate at such time and place as may be required, and the time and place of appearance, and the sum thereby acknowledged, not exceeding one thousand Rupees, shall be specified in the said recognizance, or in the condition thereof; and the Officer taking the recognizance shall return the same forthwith to the Magistrate present at the time and place when and where the party is bound to appear.

**XXVII. Remands.**—If from the absence of witnesses, or from any other reasonable cause, it shall become necessary or advisable to defer the examination of any case, or the further examination of any witnesses, it shall be lawful for any Magistrate from time to time by his warrant to remand the accused to the custody of any Police Officer, for such time as he shall deem necessary and reasonable, not exceeding eight clear days, to be secured in any Station House or jail or to be otherwise detained in custody as to the said Magistrate shall appear expedient: **Proviso.** provided always that any such Magistrate may order such accused party to be brought before him at any time or place before the expiration of the time for which such accused party shall have been remanded; or may discharge such accused party on his recognizances, with or without sureties, conditioned for his appearance at the time and place appointed for such further examination.

**XXVIII. Entering drinking shops, &c. without a warrant.**—It shall be lawful for any Police Officer without a warrant to enter and inspect all drinking shops gaming houses and other resorts of loose and disorderly characters all premises of persons suspected of receiving stolen property any locality vessel boat or conveyance in any part of which places he shall have just cause to believe that crime has been or is about to be committed or which he reasonably suspects to contain stolen property; and then and there to take all necessary measures for the effectual prevention and detection of crime and to take charge of all property reasonably suspected to have been stolen and of all articles or things which may serve as evidence of the crime supposed to have been committed.

**XXIX. Inspection of weights and measures.**—Every Police Officer, not below the grade of Inspector, shall be an inspector of weights and measures, and may enter any shop or premises for the

purpose of inspecting the weights and measures and instruments for weighing kept or used therein, and may seize any weight, measure, or instrument for weighing, which he may have reason to believe is false.

**XXX. Police Officer not to receive complaints of petty offences.**—No Police Officer shall receive any complaint of any petty offence; or take into his custody any person brought to him accused of such petty offences, trespass, assault, quarrelling, or the like; and it shall be lawful for any Police Officer to refuse to receive any charge of an offence of a grave character, if he shall on enquiry made of the complainant alone, see good grounds for doubting its truth: **Proviso.**- Provided always that, if the charge be not of such a nature as under ordinary circumstances would justify the Police Officer in refusing to receive it, the particular reasons for refusing it are to be recorded by such Officer at the time.

**XXXI. Police Officers may lay informations, &c.**—It shall be lawful for any Police Officer to lay any information before the Magistrate, and to apply for summons, warrant, search warrant, or such other legal process as may by law issue and may be expedient under the circumstances, against any person committing an offence against any law or enactment, or against any regulation for the protection of the Revenue, or against any person committing or falling to remove any public nuisance or unwarrantable obstructions, keeping disorderly houses, harbouring thieves, disturbing the peace, obstructing the due course of justice, and the like, and to prosecute such offenders up to final judgment; **Proviso.**-provided always that any rewards, forfeitures, and penalties, or shares of rewards, forfeitures, or penalties, which by law are payable to informers, and all costs of prosecution which may by any enactment be awarded to the prosecutor, shall be paid into the “General Police Fund.”

**XXXII. All warrants &c. to be executed by Officers of the Police Force.**—From and after the passing of this Act, all summonses, warrants, search warrants, warrants of commitment for trial, or orders for the escort and conveyance of prisoners, and all other processes issued by any Officer in any Criminal proceeding, shall be directed and delivered to Officers of the Police alone; and such processes shall be served and executed by them and none others.

**XXXIII. Warrant to be endorsed.**—Where any such warrant, order, or process shall be directed or delivered to any of the said Officers, unless it be necessary for the due execution thereof that such warrant be executed without delay, the person receiving it shall deliver the same to any Officer authorized for that purpose, who shall take charge of it, and appoint by endorsement thereon one or more Police Officers to execute the same, or endorse it to any other Officer for a like purpose and every Police Officer whose name shall be so endorsed thereon shall be so endorsed thereon shall have the same powers, privileges, and protection as if the same had originally been directed to him by name; **Proviso.** Provided also that every such process shall be executed with all secrecy and dispatch; and shall have full force in any part of the Madras Presidency except within the limits of the Supreme Court, without further formality or local endorsement; and that all Police authorities shall every where be assisting in the execution of such process.

**XXXIV. Service of summonses, &c.**—Every summons, notice, or other Criminal process may be served on the party named personally, or be left with some adult male member of his family, or a copy thereof may be affixed on some adult male member of his family, or a copy thereof party failing or neglecting to obey such summons or notice duly served, shall be liable, at the discretion of the Magistrate or Court that issued the process, to a penalty not exceeding ten Rupees unless such person shall be able to prove that he was prevented by unavoidable accident or other satisfactory cause from obeying such summons, notice, or the like.

**XXXV. Warrant without summons.**—A Magistrate may, without issuing any summons, forthwith issue his warrant to bring before him any person charged with an offence cognizable by him, or whose attendance it may for any reason be necessary to enforce, whenever it shall appear probable that such person will not attend unless compelled so to do.

**XXXVI. Notification of substance of warrant.**—A Police Officer executing a warrant of arrest shall notify the substance of the warrant, and if required so to do shall show the warrant.

**XXXVII. Warrant how to be executed.**—In making an arrest, the Police Officer executing the warrant shall actually touch or confine the body of the person to be arrested, unless there be a submission to the custody by ward or action.



**XXXVIII. No unnecessary restraint.**—After arrest the prisoner shall not be subjected to any more restraint than such as may be necessary to prevent his escape.

**XXXIX. Breaking of outer door or window.**—Any Police Officer authorized by a warrant to arrest a person accused of any offence for which a warrant may issue on complaint, may break open any outer or inner door or window of a dwelling house, whether that of the person accused or of any other person, in order to execute such warrant, if, after notification of his authority and purpose, and demand of admittance duly made, he cannot otherwise obtain admittance.

**XL. Breaking open Zenanah or female apartment.**—If information be received that a person accused of any offence for which a warrant may issue, has concealed himself in a Zenanah or female apartment in the actual occupancy of women, the Officer employed to execute the warrant shall take such precautions as may be necessary to prevent the escape of the accused; and if such person shall not deliver himself up, the Police Officer authorized to execute the warrant, may break open the Zenanah, and execute the process intrusted to him giving notice at the same time to any woman in the Zenanah that she is at liberty to withdraw.

**XLI. Party arrested to be brought immediately to the authority mentioned in the warrant.**—After arrest made, the Police Officer executing the warrant shall without unnecessary delay bring the person arrested before the Magistrate or other authority described in the warrant.

**XLII. No threat or promise, to compel disclosure by party arrested.**—No Police Officer shall offer to the person arrested any inducement, by threat or promise or otherwise, to make any disclosure. But no Police Officer shall prevent the person arrested, by any caution or otherwise, from making any disclosure which he may be disposed to make of his own free will.

**XLIII. Police Officer may require assistance. Penalty for refusal to assist.**—If any Police Officer shall at any time find himself unable to effect an arrest, it shall be lawful for him to require any and every person present to assist and aid him in making the arrest; and any person who shall refuse or neglect to comply with such requisition, shall be liable, on conviction before a Magistrate, to a fine not exceeding fifty Rupees, or to imprisonment for a period not exceeding three months, or both.

**XLIV. Penalties for neglect of duty, etc.**—Every Police-officer who shall be guilty of any violation of duty or wilful breach of any lawful orders and regulations not punishable under Section X of this Act ; or who shall cease to perform the duties of his office without leave, or without having given two months' notice as provided by this enactment, or engage without authority in any employment other than his Police duty, or who shall maliciously and without probable cause prefer any false, vexatious or frivolous charge or information against any individual, or who shall knowingly and wilfully and with evil intent exceed his powers, or shall be guilty of any wilful and culpable neglect of duty, in not bringing any person who shall be in his custody without a warrant before a Magistrate as provided by law, or who shall offer any 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 not exceeding three months or both.

**XLV. Penalty for receiving unauthorized fees, &c.**—Any Police-officer who shall on any pretext, or under any circumstances, directly or indirectly collect or receive any fee, gratuity, diet-money allowance or recompense, other than he may be duly authorized by the Inspector-General or other Officer acting under his order to collect or receive shall, on conviction before a Magistrate be liable to a penalty not exceeding six months' pay, or to imprisonment, with or without hard labour, not exceeding six months or both.

**XLVI. Penalty for extortion, &c.**—Any Police Officer who shall directly or indirectly extort, extract, seek, or obtain any bribe or unauthorized reward or consideration, by any illegal threat or pretence, or for doing or omitting or delaying to do any act which it may be his duty to do or to cause to be done, or for withholding or delaying any information which he is bound to afford or to communicate, or who shall attempt to commit any of the offences above said, or shall be guilty of cowardice, shall be liable, upon conviction before a Magistrate, to a fine not exceeding twelve months pay, or to imprisonment with or without hard labor not exceeding twelve months, or both: **Proviso.** Provided always

that nothing in the three last preceding sections shall be deemed to preclude the Magistrate from committing for trial any cases of this nature too serious for his cognizance.

**XLVII. Penalty for obstructing a Police Officer in the execution of his duty.**—If any person shall assault or resist any Police Officer in the execution of his duty; or shall aid or incite any other person so to do; or shall maliciously and without probable cause prefer any false or frivolous charge against any Police-officer, such person shall, on conviction of such offence before any Magistrate, be liable to a fine not exceeding fifty rupees, or to imprisonment, with or without hard labour, not exceeding three months, or both.

**XLVIII. Certain duties of Police Officers within the limits of Towns. Obstructions and nuisances in roads.**—Any person who in any street, road, thoroughfare, or passage, within the limits of any Town, commits any of the following offences, to the obstruction, inconvenience, annoyance, risk, or damage of the residents and passengers, shall, on conviction before a Magistrate, be liable to a fine not exceeding fifty Rupees, or to imprisonment not exceeding eight days; and it shall be lawful for any Police Officer to take into custody without warrant any person who within view commits any such offence.

*First.* slaughtering cattle, furious riding, &c.— Any person who shall slaughter any cattle or clean any carcase in the streets; any person riding or driving any cattle recklessly and furiously, or training or breaking any horse or other cattle on or near any public road, to the danger of the passers:

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

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

*Fourth.* Exposing goods for sale on road.—Any person exposing goods for sale on the road so as to obstruct passengers:

*Fifth.* Throwing dirt into street.—Any person who throws or lays down any dirt, filth, rubbish, or any stones or building materials; or who constructs any pial, cowshed, stable, or the like within the bounds of any thoroughfare; or who causes any offensive matter to run from any house, factory, dung heap, or the like into the street:

*Sixth.* Being Found drunk in any thoroughfare.—Any person found in any thoroughfare drunk and riotous or incapable of taking care of himself.

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

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

**XLIX. Regulation of public processions, &c., and of carriages and persons at places of public resort. Licenses for use of music in streets.**—The Superintendent and Superior Officers of Police may, as occasion requires, direct the conduct of all assemblies and processions in the public roads, streets, or thoroughfares, prescribe the routes by which, and the times at which such processions may pass ; keep order in the public roads, streets, thoroughfares, ghauts, and landing places, and all other places of public resort, and prevent obstructions on the occasion of such assemblies and processions and in the neighbourhood of places of worship during the time of public worship, and in any case when the roads, streets or, thoroughfares, ghauts or landing places, may be thronged, or may be liable to be obstructed ; they may also regulate the use of music in the streets, on the occasion of native festivals and ceremonies; and may direct all crowds of twelve or more persons to disperse, when they have direct all crowds of twelve or more persons to disperse, when they have reason to apprehend any breach of the peace ; and every person opposing, or not obeying the orders so issued as aforesaid, or violating the conditions of such license, shall be liable to a fine not exceeding one hundred Rupees. Provided always that nothing in

this Section contained shall be deemed to interfere with the general control of the Magistrate over such matters.

**L. Jurisdiction.** —In all cases of convictions under this Act, the Magistrate trying the case shall be restrained within the limits of his ordinary jurisdiction as to the amount of fine or imprisonment he may inflict ; Proviso provided always that such charges against Police Officers above the rank of a Private shall only be adjudicated on by European functionaries, and that Village Watchers alone shall be liable to conviction by Heads of Villages.

**LI. Liability to prosecution for higher penalties not affected.**— Nothing contained in this Act shall be construed to prevent any person from being prosecuted for any offence made punishable on conviction by this Act ; or to prevent any person from being liable under any other law, Regulation, or Act to any other or higher penalty or punishment than is provided for such offence by this Act. **Proviso.-** Provided always that no person shall be punished twice for the same offence.

**LII. Levy of fines.** —All fines and penalties imposed, and all sums of money recoverable under the authority of this Act, may, in case of non-payment thereof, be levied by distress and sale of the goods and chattels of the offender by warrant of the Magistrate, in manner provided by Act II of 1839.

**LIII. Limitation of action.** - All actions and prosecutions against any person, which may be lawfully brought for any thing 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 Superintendent or other superior officer of the district in which the act was committed, one month at least before the commencement of the action; and 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 money shall have been paid into Court after 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 cost against the defendant unless the Judge, before whom the trial shall be, 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.

**LIV. Plea that act was done under warrant.**— When any action, prosecution, or proceeding shall be brought 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; and such plea shall be proved by the production of the warrant directing the act and purporting to be signed by a Magistrate. And the defendant shall, thereupon, be entitled to a decree in his favour, notwithstanding any defect of jurisdiction in such Magistrate. And no proof of the signature of such official shall be necessary, unless the Court shall see reason to doubt it being genuine: **Proviso.-** Provided always that any remedy which the party may have against the authority issuing such warrant shall remain entire.

**LV. Operation of Act.**— This Act shall take effect in any and every such District as the Governor in Council shall by notification published in the Official Gazette.

SCHEDULE.

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LAWS REPEALED.

The following words in Section XXXVI of Regulation IX. 1816: “The Officer entrusted with the service of the summons in such cases, as well as in all other cases wherein bail may not be required, shall demand only an acknowledgment of the receipt of it, and in the absence of the party, the summons may be served on the principal person in his house or family, if such person be willing to receive the same and to return an acknowledgment for the party;” and Section XLII.

Regulation XI. 1816, Sections III, IV, V, VI, VII, XI, XV, XVI, XVII, XVIII, XXI, XXII, XXIII, XXIV, XXV, XXVI Clause 2, XXIX, XXXV, XXXVIII, XXXIX, XL, XLI, XLVIII, and LV.

Regulation IV. 1821, Section III.

So much of Clause 2 Section II of Regulation IV. 1821 as declares that all Subordinate Officers of Police of every description shall be subject to the authority of the Tuhseeldars of their respective Districts.

So much of Section VII of Regulation VI. 1831, as affects Village Watchers or other persons holding village offices in the Police Department.

Act VII of 1843, Sections XXXIX and XL.

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LAWS AMENDED.

So much of Clause 4 Section XIII of Regulation XI. 1816, as directs the Head of the Village to apprehend any person supposed to have committed a murder.

So much of Clause 1 Section XXVII of Regulation XI. 1816 as directs the Head of the Village to make every exertion to apprehend any person accused or suspected of having committed the offences referred to in the said Clause.

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FORM A.

A. B. has been appointed a Member of the Police Force under Act XXIV of 1859, and is vested with the powers, functions, and privileges of a Police Officer.