



## The Kerala Police Act, 1960

Act 5 of 1961

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# THE KERALA POLICE ACT, 1960

(ACT 5 OF 1961)[\[1\]](#)

An Act to consolidate and amend the law relating to the Police Force in the State of Kerala .

*Preamble* .-WHEREAS it is expedient to consolidate and amend the law relating to the Police Force in the State of Kerala :

BE it enacted in the Eleventh Year of the Republic of India as follows:-

## CHAPTER I

### Preliminary

1. *Short title, extent and commencement* .-(1) This Act may be called the Kerala Police Act, 1960.

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

(3) It shall come into force at once.

2. *Definitions* .-(1) In this Act, unless the context otherwise requires,-

(i) "cattle" shall besides horned cattle, include elephants, camels, horses, mules, asses, sheep, goats and swine;

(ii) "District Magistrate" shall mean the officer, charged with the executive administration of a district and invested with the powers of a Magistrate of the first class by whatever designation such officer is styled;

(iii)"place of public resort" shall include any place whether public or private, open or enclosed, to which the public are admitted for purposes of recreation, diversion, amusement, entertainment, refreshment or relaxation ;

(iv) "Police shall include all persons by whatever name known who exercise any police functions in any part of the State of Kerala and "police officer" means any member of the police force;

(v)"Property" shall include money, valuable security and all property, whether movable or immovable;

(vi) "public place" means any place to which the public have access whether as of right or not, and shall include every public building and monument and the precincts thereof;

(vii) "Special Police Officer" means a special police officer appointed under section 11;

(viii) "Street" shall include any road, foot-way, square, court, alley or passage, whether a throughfare or not, to which the public have permanently or temporarily a right of access;

(ix) "Subordinate Police" shall mean all police officers below the rank of an Inspector;

(x) "Superior police" shall mean all police officers of and above the rank of an Inspector;

(xi) "Vehicle" shall include every wheeled conveyance capable of being used on the streets.

(2) Words and expressions used and not defined in this Act, but defined in the Indian Penal Code, 1860, or in the Code of Criminal Procedure, 1898, shall have the meanings respectively assigned to them in those Codes.

[\[2\]](#) In the application of the provisions of this Act to any area for which a Commissioner of Police has been appointed by Government, references to the Superintendent of Police contained therein shall be construed as references to the Commissioner of Police.)

## **CHAPTER II**

### **Organisation of the Police**

3. *Constitution of Police force.*- The entire police establishment of the State shall be deemed to be one police force and shall consist of such number of superior and subordinate police officers and shall be otherwise constituted in such manner, as may, from time to time, be ordered by the Government.

4. (1) *Inspector General of Police* .-The administration of the police throughout the State shall, subject to the control of the Government, be vested in an officer to be styled the Inspector-General of Police (hereinafter referred to as the Inspector-General) and in such superior police officers as the Government shall deem fit.

[3] (2) [\*\*\*\*\*])

5. *Control and direction by District Magistrate.*- The police force within the local jurisdiction of a District Magistrate shall be under the general control and direction of such Magistrate. In exercising authority under this section, the District Magistrate shall be governed by such rules and orders as the Government may, from time to time, make in this behalf.

6. *Dismissal suspension or reduction of officers of the subordinate Police.*- Subject to the provisions of Article 311 of the Constitution and to such rules as the Government may, from time to time, make under this Act, the Inspector General, Deputy Inspector-General, Assistant Inspector-General and Superintendents of Police may, at any time, dismiss, remove, suspend or reduce to a lower post or time scale or to a lower stage in time scale, any officer of the subordinate police whom they shall think remiss or negligent in the discharge of his duty or otherwise unfit for the same, and may order the recovery from the pay of any such police officer of the whole or part of any pecuniary loss caused to the Government by his negligence or breach of orders.

7. *Subordinate Police Officers to receive certificates of office .-(1)* Every person appointed as an officer of the subordinate police shall be formally enrolled and shall receive on his enrolment a certificate under the seal of the Inspector-General by virtue of which he shall be vested with the powers, functions and privileges of a police officer.

(2) Such certificate shall cease to have effect whenever the person named in it ceases for any reason to be a police officer.

(3) 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 same responsibilities, discipline and penalties and to the same authorities as if he had not been suspended.

8. *Additional Police Officers employed at cost of individuals .-* The Inspector General may, if he thinks fit, on the application of any person showing the necessity thereof, depute any additional number of police officers to keep the peace at any place within the State for such time as he deems necessary. Such force shall be under the orders of the Superintendent of Police of the District, and shall be at the charge of the person making the application:

Provided always that it shall be lawful for the person on whose application such deputation shall have been made, on giving thirty days' notice in writing to the Inspector-General, to require that the officers so deputed be withdrawn; and such person shall be relieved from the charge of such additional force from the expiration of such notice.

9. *Additional force in neighbourhood of the railway and other works .-*Whenever any railway, canal or other public work or any manufactory or commercial concern is carried

on or is in operation, in any part of the State and it appears to the Inspector-General that the employment of additional police force in such place or neighbourhood is rendered necessary by the behaviour or reasonable apprehension of the behaviour of the persons employed in such work, manufactory or concern he may with the sanction of the Government, direct the employment of such additional force, to such place or neighbourhood and maintain the same so long as such necessity continues; and 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 commercial concern for the payment of the additional police force so rendered necessary and such person shall thereupon cause payment to be made accordingly.

10. *Recovery of moneys payable under sections 8 & 9* .-(1) All moneys payable under sections 8 and section 9 shall be recoverable by the District Magistrate in the manner provide for the recovery of fines under the Code of Criminal Procedure, 1898.

(2) All moneys paid or recovered under section 8 and section 9, shall be credited to the Government and shall be applied to the maintenance of the police under such orders as the Government may pass.

11. *Special police officers* -When it appears that any unlawful assembly or riot or disturbance of the peace has taken place, or may be reasonably apprehended, in any place, and that the police 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 such place, any police officer not below the rank of an Inspector may apply to the District Magistrate exercising jurisdiction over the area to appoint as many able-bodied men between the ages of 18 and 55, as such police officer may require to act as special police officer for such time and in such manner as he may deem necessary; and it shall be the duty of such Magistrate unless he sees cause to the contrary, to comply with such application:

Provided that no person who has conscientious objection to serve as a police officer shall be required to act as such police officer.

12. *Powers of special police officer* .-Every special police officer so appointed shall receive a certificate in the prescribed form, 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 officer of police.

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

Provided that no person shall be prosecuted for any of the aforesaid offences, unless notice has been served on him to show cause why he should not be prosecuted and an opportunity given to him to be heard.

### **CHAPTER III**

#### **Regulation control and discipline of the Police Force**

14. *Police Officers not to resign without leave or notice* -No police officer shall resign his office or withdraw himself from the duties thereof, unless expressly allowed to do so in writing by the Inspector-General or by such other officer as may be authorised by the Government to grant such permission or unless, except in the case of a special Police Officer, he shall have given to his superior officer, notice in writing for a period not less than two months of his intention to do so:

Provided that, if any police officer produces a certificate signed by a Medical Officer empowered by the Government in this behalf declaring such police officer to be unfit by reason of any disease or mental or physical incapacity or further service in the police, the necessary written permission to resign shall forthwith be granted to him..

*Explanation* .-A police officer who, being absent on leave, fails without reasonable cause to report himself for duty on the expiration of such leave shall be deemed, within the meaning of this section, to withdraw him-self from the duties of his office.

15. *Police officers not to engage in other employment* .-No police officer other than a special police officer shall engage in any employment or office whatever other than his duties under this Act.

16. *Inspector-General to control force and make rules*.- The Inspector General may, from time to time, subject to the approval of the Government frame such orders and rules, not inconsistent with this Act, as he may deem expedient relating to the general government and distribution of the police force, the place of residence, the classification, rank and particular service and duties 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; for preventing abuse or neglect; and for rendering such force efficient in the discharge of all its duties.

17. *Police officers always on duty*.- Every police officer not on leave or under suspension shall, for all purposes of this Act, be considered to be always on duty and may at any time be employed as police officers in any part of the State

### **CHAPTER IV**

#### **POLICE REGULATIONS**

## **RULES FOR PRESERVATION OF ORDER**

18. *Powers to make rules for regulation of traffic and for preservation of orders in public places etc* .-(1) In any local area in which he thinks fit, the District Magistrate, with the previous sanction of the Government and in consultation with the municipal or other local authority may, from time to time, make rules not inconsistent with this Act, for-

(a) licensing and controlling persons offering themselves for employment at quays, wharves, landing places, bus stands and railway stations, for the carriage of passengers' baggage, and fixing and providing for the enforcement of a scale of charges for the labour of such persons so employed;

(b) regulating traffic of all kinds in streets and public places and the use of streets and public place, by persons riding, driving, cycling, walking or leading or accompanying cattle so as to prevent danger, obstruction or inconvenience to the public;

(c) regulating the conditions under which vehicles may be parked in streets and public places and the use of streets as halting places for cattle;

(d) prescribing the number and position of lights to be used on vehicles in streets and public places and regulating and controlling the conveying of timber, poles, ladders, girders, beams or bars, boilers or other unwieldy articles through the streets, and the route and hours for such conveyance;

(e) prescribing the road along which, the hours during which and in times of epidemic, the manner in which, corpses may, or may not be carried;

(f) regulating the hours during which and the manner in which any place for the disposal of the dead, or any chathram or other place of public resort may be used so as to secure the equal and appropriate application of its advantages and accommodation, and to maintain orderly conduct, among those who resort thereto;

(g) in case of existing or apprehended epidemic or infectious disease of men or animals, maintaining cleanliness and disinfection of premises by the occupier thereof and residents therein, and the segregation and management of the persons of animal diseased or supposed to be diseased, with a view to prevent the disease or to check the spreading thereof;

(h) licensing, controlling or, in order to prevent the obstruction, inconvenience, annoyance, risk, danger or injury to passers by or the resident in the vicinity, prohibiting-

(i) the keeping of places of public resort;

(ii) the playing of music in streets and public places;

(iii) the operation of loud speakers in or within hearing of a street or public place;

(iv) the illumination of streets and public places and the exteriors of buildings abutting thereon by persons other than the officers of the Government or local authorities;

(v) the carrying in the streets and public places of gunpowder or any other explosive substances; and

(vi) the blasting of rocks;

(i) regulating the means of entrance and exit at places of public resort or public assembly, and providing for the maintenance of public safety and the prevention of disturbance therein;

(j) regulating or prohibiting smoking at places of public resort or public assembly, or in public conveyances.

(2) Every rule made under this section shall be published in the Gazette and in the manner prescribed by this Act for the publication of public notices.

[4] *18A. Regulation of certain physical training* .-(1) Notwithstanding anything contained in any other law for the time being in force, no person shall,

(a) by himself or by any person on his behalf, impart training to any member or members of public in any physical activity involving methods of attack or self-defence unless he holds a permit in this behalf issued by an authority as may be prescribed; or

(b) permit the use of any premises, owned or possessed by him, for such training or organise abet or participate in such training, as may be imparted by any person who does not hold a permit in that behalf:

Provided that a person imparting such training on 18th January, 2000 shall apply for and obtain a permit therefor, within three months from the said date or within such period, as may be extended by the government; which shall not exceed six months:

Provided further that the provisions of this sub-section shall not apply to any training imparted by,-

(i) an educational institution, owned or controlled by the Government or affiliated to any University in the State, as part of the curriculum or course of study; or

(ii) a club or gymnasium recognised by the Kerala Sports Council.

(2) The permit under sub-section (1) shall be issued subject to such conditions and restrictions and on payment of such fees as may be prescribed by rules.



(3) Any Police Officer, not below the rank of a Sub-Inspector, shall have free access to any place of training to ensure that such training is conducted in accordance with this Act and the rules made thereunder.

(4) Any contravention of the provisions of sub-section (1) or of the terms and conditions of a permit issued thereunder shall be cognizable and non-bailable offence within the meaning of the Code of Criminal procedure, 1973 (Central Act 2 of 1974):

Provided that no prosecution shall be instituted against any person in respect of any offence under subsection (1), without the previous sanction of the District Magistrate.

18B. *Power to cancel permit etc* .-(1) The authority notified under sub-section (1) of section 18A may, by order cancel or suspend a permit granted under the said sub-section.-

(a) if any fee payable by the holder of such permit is not duly paid; or

(b) in the event of any breach by the holder of such permit or by his servant or by any anyone acting with his express or implied permission on his behalf, of any of the terms and conditions of such permit; or

(c) if the holder thereof is convicted by a court of law for any offence involving moral turpitude.

(2) An appeal against an order under sub-section (1) shall lie to Deputy Inspector General of Police having jurisdiction over the area where the place of training is situated.")

19 . *Regulations of public assemblies and processions and music in streets* .-The Superintendent of Police may, as occasion requires, subject to any order or direction if any, issued by the District Magistrate-

(i) direct the conduct of assemblies and processions in any street and specify, by general or special notice, the routes by which and the times at which, such procession may pass;

(ii) require by general or special notice on being satisfied that any person or class of persons intend to convene or collect an assembly in any street or to form a procession which would in this judgment, if uncontrolled, be likely to cause a breach of the peace, that the persons convening or collecting such assembly or directing or promoting such procession shall not do so without applying for and obtaining a licence;

And on such application being made, the Superintendent may issue a licence specifying the name of the licensees and defining the conditions on which alone such assembly or procession is to be permitted to take place;

(iii) prevent obstructions on the occasion of all processions and assemblies and in the neighbourhood of all places of worship during the time of public worship, and in all cases when any street or public place or place of public resort may be thronged or liable to be obstructed; or

(iv) prohibit or regulate the use of music or sound amplifiers or drums, tomtoms or other noisy instruments in any street or public place and in any private place if their use may cause annoyance to neighbours.

20. *Powers to deal with assemblies and processions violating conditions of licence .-*

(1) Any Magistrate or any police officer not below the rank of an Inspector or any police officer in charge of a police station may stop any procession which violates the conditions of licence granted under section 19 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 subsection (1) shall be deemed to be an unlawful assembly.

21. *Power to prohibit the carrying swords, spears, etc.-* The District Magistrate may, whenever and for such time as he may consider it necessary to do so for the preservation of the public peace or public safety by public notice or by order directed to individuals, prohibit-

(i) the carrying of swords, spears, bludgeons, guns or other offensive weapons in any public place;

(ii) the carrying, collection and preparation of stones or other articles intended to be used as missiles, or instruments of casting or meals or of impelling missiles;

(iii) the exhibition of persons, corpses figures or effigies in any public place; and

(iv) the public utterance of cries of slogans, singing of songs or plying of music.

**[5]** ( 21A. *Power to prohibit mass drill, mass training, etc .-*(1) The District Magistrate may whenever he considers it necessary so to do for the preservation of the public peace or public safety or for the maintenance of public order, by public notice or by order directed to individuals, prohibit, in any area within his jurisdiction, the holding of, or taking part in, any mass drill or mass training with arms or the carrying of arms in any procession.

*Explanation .-*(1) For the purposes of this section, "arms" means any type of offensive weapon and includes lathi, dand and stick.

(2) No prohibition under this section shall remain in force for more than three months:

Provided that if the Government consider it necessary so to do for the preservation of public peace or public safety or for the maintenance of public order, they may, by notification in the Gazette, direct that a public notice or order issued by a District Magistrate under this section shall remain in force for such further period not exceeding six months from the date on which such notice or order would have, but for such order, expired as they may specify in the said notification.)

22. *Power to prohibit delivery of public harangues, etc.*-( 1) The District Magistrate may, whenever and for such time as he may consider necessary, by public notice or by order direct to individuals, prohibit the delivery of public harangues, the use of gesture or mimetic representations and the preparation, exhibition or dissemination of pictures, symbols placards or any other object or thing, which-

(i) may be of a nature to outrage morality or decency; or

(ii) are likely, in the opinion of the Magistrate, to inflame religious animosity or hostility between different classes, or to incite to the commission of an offence, to a disturbance of the public peace, or to resistance to law or lawful authority.

(2) No prohibition under this section shall remain in force for more than fifteen days unless the Government, by notification in the Gazette otherwise direct.

23. *Power to prohibit any procession or public assembly*-( 1) District Magistrate may, by order in writing prohibit any procession or public assembly, whenever and for so long as he considers such prohibition to be necessary for the preservation of the public peace or public safety.

(2) No prohibition under this section shall remain in force for more than fifteen days unless the Government, by notification in the Gazette, otherwise direct,

24. *Power to reserve any street or public place* .-The Inspector-General may, subject to the orders of the Government, by public notice, temporarily reserve for any public purpose any street or public place and prohibit persons from entering the area so reserved save under such conditions as may be prescribed by him.

25. *Enforcement of orders issued under sections 21 to 24* .-(1) Whenever a notification, (order) or public notice has been duly issued under section 21, (section 21A) section 22, section 23 or section 24, then-

(a) in the case of a public notice or order issued under clause (i) clause (ii) or clause (iii) of section 21 or (under section 21A) in the case of a public notice issued under section 24, any Magistrate or any police officer, or

(b) in the case of a public notice or order issued under clause (iv) of section 21, or under section 22, or in the case of an order issued under section 23, any Magistrate or any police officer not below the rank of a Sub Inspector may require any person acting or

about to act contrary thereto desist or abstain from such action and, in case of refusal or disobedience, may arrest such person.

(2) Any Magistrate or Police Officer acting under subsection (1) may also seize anything used or about to be used in contravention of such notification, order or notice as aforesaid and anything so seized shall be disposed of, as any Magistrate having jurisdiction may order.

*26. Power to give directions to prevent disorder at places of public resort or public assembly .-*(1) For the purpose of preventing disorder or danger to the person assembled at any place of public resort or public assembly, the police officer of highest rank not below the rank of a Sub Inspector who is present may, subject to such rules, directions and orders as may have been lawfully made, give such reasonable directions as he may think necessary as to the mode of admission of the public to, and for securing the peaceful and orderly conduct of persons attending at such place; and all persons shall be bound to conform to such directions.

(2) The police shall have free access to every such place of public resort or public assembly for the purpose of giving effect to the provisions of sub-section (1) and to any direction given thereunder.

*27. Issue of orders by District Magistrate for prevention of riot, etc .-*In order to prevent or suppress any riot or grave disturbance of the peace the District Magistrate may temporarily close or take possession of any building or place and may exclude all or any persons therefrom or may allow access thereto to such persons only and on such terms as he may deem expedient. all persons concerned shall be bound to conduct themselves in accordance with such orders as the District Magistrate may make and notify in the exercise of the authority hereby vested in him.

*28. Issue of orders for maintenance of order at religious, ceremonials etc .-*(1) In any case of an actual or intended religious or ceremonial or corporated display or exhibition or organised assemblage in any street or public place as to which or the conduct of or participation in which it appears to the District Magistrate that a dispute or contention exists which is likely to lead to disturbance of the peace, the District Magistrate may give such orders as the conduct of the persons concerned towards each other and towards the public as he deems necessary and reasonable under the circumstances, regard being had to the apparent legal right and to any established practice of the parties and of the persons interested. Every such order shall be published in the place wherein it is to operate, and all persons concerned shall be bound to conform to the same.

(2) Any order under subsection (1) shall be subject to a decree, injunction or order made by a court having jurisdiction, and shall be recalled or altered on its being made to appear to the District Magistrate that it is inconsistent with a judgment, decree, injunction or order of such court.

## **CHAPTER V**

## **Executive Powers and Duties of the Police**

29. *Duties of Police Officers.*- It shall be the duty of every police officer to-

(a) promptly serve every summons, obey and execute all orders and warrants lawfully issued to him by any competent authority, and endeavour by all lawful means to give effect to the lawful commands of his superior officers ;

(b) Collect and communicate, to the best of his ability, intelligence concerning the commission of cognisable offence or designs to commit such offence and lay such information and take such other steps consistent with law and with the orders of his superior officers as shall best be calculated to bring offenders to justice and prevent the commission of cognisable, and within his view, of non-cognisable offences ;

(c) preserve the peace and collect and communicate intelligence affecting or likely to affect the public peace ;

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

(e) apprehend all persons whom he is legally authorised to apprehend and for whose apprehension sufficient ground exists ;

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

(g) discharge such duties as are imposed upon him by any law for the time being in force ;

(h) use his best endeavours to prevent any injury attempted to be committed in his view to any public property or the removal of or injury to any public landmark or mark used for navigation ;

(i) afford every assistance within his power to disable or helpless persons in the streets and take charge of intoxicated persons and of lunatics at large who appear dangerous or incapable of taking care of themselves ;

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

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

(l) use his best endeavours-

(i) to prevent any loss or damage by fire, and

(ii) to avert any accident or danger to the public ;

(m) regulate and control the traffic in the streets to prevent obstruction therein and to the best of his ability prevent the infraction of any rule or order made under this Act or under any other law for the time being in force for observance by the public in or near the streets ;

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

(o) regulate resort to public bathing, washing, and landing places prevent overcrowding thereat and in public conveyances and to the best of his ability prevent the infraction of any rule or order lawfully made for observance at any such place or on any such conveyance ;

(p) take charge of all unclaimed property found by or made over to him and to furnish without any unreasonable delay an inventory thereof to a Magistrate ;

(q) prevent entry without reasonable excuse into or on any dwelling house or other building or on any land or ground, attached thereto or on any boat, vehicle or vessel, or on any ground, belonging to the Government or appropriated to public purposes ; and

(r) perform all duties imposed on his by rules for the time being in force under this Act in the manner and subject to the conditions therein prescribed.

30. *Powers of police on the occasion of fire* .-(1) On the occasion of a fire in any locality, any police officer, above the rank of a constable or any member of the fire services above the rank of a fireman, may-

(a) remove or order the removal of any persons who by their presence interfere with or impede the operations for extinguishing the fire or for saving life or property ;

(b) close any street or passage in or near which any fire is burning ;

(c) by himself or those acting under his orders break into or through, or pull down, or use for the passage of house, or other appliances, any premises for the purpose of extinguishing the fire, doing as little damage as possible ;

(d) cause the mains and pipes of any area to be shut off so as to give greater pressure of water in the place where the fire has occurred;

(e) call on the persons in charge of any fire-engine to render such assistance as may be possible ; and

(f) generally, take such measures as may appear necessary for the preservation of life and property.

(2) Any damage done on the occasion of fire by members of the fire services or of any fire-brigade or by police officers or their assistants in the due execution of the duties shall be deemed to be damage by fire within the meaning of any policy of insurance against fire. But nothing in this section shall exempt any police officer or any member of the fire services or of any fire-brigade from liability to damages on account of any acts done by him without reasonable cause.

(3) All charges on account of establishments and appliances for extinguishing fire maintained by the police under the orders of the Government for general use, and all expenses incurred on the occasion of any by the police in the execution of their duty shall, if the duty of extinguishing fire is cast upon any local authority be paid from the fund of that local authority upon the Inspector-General certifying the amount thereof :

Provided that no charges on account of establishments and appliances for extinguishing fire shall be recovered from any local authority which maintains such establishments and appliances and such establishments and appliances are employed for extinguishing fire.

31. *Power to deal with property suspected to be stolen* .-When in a street or a place of public resort a person has possession or apparent possession of any article which a police officer in good faith suspects to be stolen property, such police officer may search for and examine the same and may require an account thereof, and should the account given by the possessor be manifest, false or suspicious, may detain such articles after taking an inventory of the same and attested by two persons of the locality and report the facts to the nearest Magistrate who shall thereupon make such order respecting the custody or production of the articles as he may think proper.

32. *Powers to search for stolen property in certain cases without warrant* .-In any local area to which this section may be extended by the Government by notification in the Gazette, any police officer above the rank of a constable having reasonable ground to suspect that stolen property is concealed or lodged in any dwelling house or other place and is likely to be removed before a search-warrant can be obtained, may search such house or place subject to the general provisions in the code of Criminal Procedure, 1898, relating to searches.

33. *Pawn-broker, etc., to report stolen property if tendered for pawn or sale* .-Any police officer may deliver to any pawn-broker, dealer in second hand property or worker in metals, a list of any property believed to have been stolen, and thereupon it shall be the duty of such pawn-broker, dealer or worker as aforesaid, upon any article answering the description of any of the property set for him any such list being offered him in pawn, for sale or otherwise, to inquire the name and address of the persons offering such article, to seize and detain the article, and forthwith to communicate to the nearest police station the fact of such article having been offered and such name and address as may be given

by the person offering it. Any pawn-broker, dealer or worker as aforesaid failing to comply with the requirement of this section without reasonable excuse shall be liable on conviction to fine not exceeding fifty rupees for every such offence. Such pawn-broker, dealer or worker as aforesaid may also detain any person offering such article as aforesaid pending the arrival of the police.

34. *Police officer above the rank of a constable may enter and inspect liquor shop, etc., without warrant* -Any police officer above the rank of a constable may for any of the purposes mentioned in section 29 enter and inspect any shop in which liquor intoxicating drug is kept or sold, gaming house or other place of resort of loose or disorderly characters without a warrant.

35. *Applicability of the provisions of the Code of Criminal Procedure* .-The provisions of sections 523, 524 and 525 of the Code of Criminal Procedure, 1898, shall, as nearly as may be practicable, apply to all property detained or taken charge of by the police under this Act.

36. *A superior police officer may himself perform duties imposed on his inferior, etc.* -A police officer may perform any duty assigned by law or by a lawful order to any other subordinate to him; and in case of any duty imposed on such subordinate, a superior police officer, where it shall appear to him necessary, may aid, supplement, supersede or prevent any action of such subordinate by his own action or that of any person lawfully acting under his command or authority, whenever the same shall appear necessary or expedient for giving more complete or convenient effect to the law or for avoiding an infringement thereof.

37. *Police officer may lay information, etc.* -Any police officer may lay any information before a Magistrate, and apply for a summons, warrant, search warrant or such other legal process as may by law issue against any person committing an offence.

38. *Persons bound to conform to reasonable directions of police* ,-(1) All persons shall be bound to conform to the reasonable direction of a police officer given in fulfilment of any of the duties enjoined on, or in exercise of any of the powers vested in him under this Act.

(2) A police officer may restrain or remove any person resisting or refusing or omitting to conform to any such direction as aforesaid.

## **CHAPTER VI**

### **Offences and punishments**

39. *Certificate, arms, etc., to be delivered up by person ceasing to be a police officer* .-(1) Every member of the police force shall on suspension or on ceasing to belong thereto, forthwith deliver up to his immediate superior officer his certificate and all clothing, accountments and other articles supplied to him for the execution of his duty, and in



default thereof, shall on-conviction be liable to fine not exceeding to hundred rupees or to imprisonment for a term which may extend to six months, or to both.

(2) The Inspector-General or any Magistrate any issue a warrant to search for and seize, wherever they may found, any certificate, arms, or accountments, clothing or other necessary articles not delivered up as required by sub section (1). Every warrant so issued shall be executed in accordance with the provisions of the Code of Criminal Procedure, 1898.

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

40. *Unlawful assumption of police functions, personation of police etc* .-Every person not being, or having ceased to be a police officer, who-

(i) unlawful assumes any function or power belonging to the police;

(ii) has in his possession any distinctive article of the dresses or accountment directed to be worn exclusively by the police without being able to account satisfactorily for the possession thereof ;

(iii) except for purposes of entertainment, puts on the dress of any police officer, or any dress designed to represent it or to be taken for it; or

(iv) Otherwise personates the character or acts the part of any police officer, except for purposes of entertainment, shall on conviction, be liable to fine not exceeding two hundred rupees or to imprisonment for a period which may extend to six months, or to both.

41. *Penalties for neglect of duties, etc* .-Any police officer who-

(a) contravenes the provision of section 15 ;

(b) is guilty of cowardice;

(c) resigns his office or withdraws himself from the duties thereof in contravention of section 14 ;

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

(e) is guilty of any violation of duty for which no punishment is expressly provided, shall on conviction be liable to imprisonment for a term which may extend to three months, or to fine which may extend to one hundred rupees, or to both.

42. *Vexatious entry, search, arrest, etc., by police officers.*- Any police officer who-

- (a) without lawful authority or reasonable cause, enters or searches or causes to be entered or searched any building, vessel, tent or place ;
- (b) vexatiously and unnecessarily seizes the property of any person ;
- (c) vexatiously and unnecessarily detains, searches or arrests any person ;
- (d) vexatiously and unnecessarily delays forwarding any person arrested to a Magistrate or to any other authority to whom he is legally bound to forward such person ;
- (e) offers any unnecessary personal violence to any person in his custody ;
- (f) holds out any threat or promise not warranted by law to an accused person;
- (g) maliciously and without probable cause prefers any false vexatious or frivolous, charge or information against any individual ; or
- (h) knowingly and wilfully and with evil intent exceeds his powers shall on conviction for every such offence be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

43. *Penalty for receiving unauthorised fees, etc .*-Any police officer who on any pretext, or under any circumstance, directly or indirectly, collects or receives any fee, gratuity, diet-money allowance or recompense, other than he may be duly authorised to collect or receive, shall on conviction be liable, to fine not exceeding six month's pay, or to imprisonment for a term which may extend to six months or to both.

44. *Penalty for extortion .*-Any police officer who, directly or indirectly extorts, exacts, seeks or obtains any bribe or unauthorised reward or consideration by any threat or pretence, for doing or omitting or delaying to do any act which it may be his duty to do or cause to be done, or for withholding or delaying any information which he is bound to give or communicate, or who attempts to commit any of the offences above said, shall on conviction be liable to fine not exceeding twelve months' pay or to imprisonment for a term which may extend to twelve months, or to both.

45. *Penalty for false alarm of fire .*-(1) Whoever gives or causes to be given to any police officer or to any fire brigade or to any member thereof or to any member of the fire services whether by means of a street fire alarm, statement, message or otherwise any alarm of fire which he knows to be false, or does not believe to be true, shall on conviction be liable to fine which may extend to fifty rupees.

(2) Whoever is convicted under this section after having been previously convicted thereunder, shall be liable to simple imprisonment for a term which may extend to six months and shall also be liable to fine.

46. *Punishment for certain offences on street and open places.*- Whoever in any street or open place, within the limits of any local area to which this section may be extended by the Government by notification in the Gazette does any of the following acts shall, on conviction, be liable to imprisonment for a term which may extend to eighty days or to fine which may extend to fifty rupees or to both, provided that no such act done in any place other than a street shall be punishable as aforesaid unless such act causes or is likely to cause obstruction, inconvenience annoyance, risk, danger or damage to the residents or passers by-

(i) slaughters any cattle, cleans any carcass, article of furniture or vehicle, or grooms any animal;

(ii) makes or repairs any vehicle or part of a vehicle (unless when in the case of an accident repairing on the spot is necessary) or carries on any manufacture or operation ;

(iii) drives, drags or pushes any vehicles at any time between half an hour after sunset and one hour before sunrise without sufficient light ;

(iv) drives, drags or pushes any vehicle and does not keep (except in case of actual necessity or of some sufficient reason for deviation), on the left of such street when meeting any other vehicle or on the right of such street when passing any other vehicle ;

(v) rides or drives, any animal, or drives, drags or pushes any vehicle in a rash or negligent manner, or trains or breaks any horse or other cattle ;

(vi) drives, drags or pushes any vehicle without springs on any street except on the side thereof;

(vii) leads or rides any animal, or drives, drags or pushes any vehicle upon any foot-way or fastens any animal so that it can stand across or upon any street or foot-way;

(viii) permits any cattle or vehicle to be under the control of a child under the age of twelve years;

(ix) conveys through the streets any article which projects more than five feet in front or behind the vehicle or vehicles on which it is placed ;

(x) affix or causes to be affixed any bill, notice, document, paper or other thing upon any street or place of public resort or upon any building, monument, state, effigy, post, wall, fence, tree or other erection therein or in any manner defaces, disfigures, write upon or otherwise marks or causes to be defaced, disfigured, written upon or otherwise marked any street, public place or any such building monument, statue, effigy, post, wall, fence, free or erection without the consent of the owner or occupier thereof ;

(xi) causes mischief by any negligence or ill-usage in the driving, management or care of any animal or vehicle ;

(xii) commits nuisance by causing himself or permits any person under his control to commit a nuisance as aforesaid.

47. *Penalty for wilful trespass* .-Whoever without reasonable excuse wilfully enters into or on any dwelling house or other building or on any land or ground attached thereto or on any boat, vehicle or vessel, or on any ground belonging to the Government or appropriated to public purposes, shall be liable on conviction to imprisonment for a term not exceeding six months or to fine not exceeding five hundred rupees or to both.

48. *Penalty for being found armed between sunset and sunrise intending to commit an offence, etc* .-Whoever is found, between sunset and sunrise-

(a) armed with any dangerous instrument with intent to commit an offence;

(b) having his face covered or otherwise disguised with intent to commit an offence;

(c) in any dwelling house or other building or on board any vessel or boat, without being able satisfactorily to account for his presence there;

(d) lying or loitering in any bazaar, street, yard or other place being a reputed thief and without being able to give satisfactory account of himself; or

(e) having in possession without lawful excuse any implement of house breaking, may be arrest by any police officer without a warrant and shall be liable on conviction to imprisonment for any term not exceeding three months.

49. *Penalty for buying or taking pledge from a child* .-In any local area to which this section may be extended by the Government by notification in the Gazette, whoever without the knowledge and consent of the owner buy any jewel, watch, fountain pen, bicycle, utensil or other article of value from any child apparently under the age of fourteen years, or takes any article on pawn or pledge from such a child shall be liable on conviction to fine not exceeding one hundred rupees.

50. *Penalty for lighting bonfire discharging fire-arm etc., in, over or near any public place*.- In any local area to which this section may be extended by the Government by notification in the Gazette, whoever, except at such times and places as the District Magistrate may allow, in, over or near any public place, lights any bonfire, discharge, any fire-arm or airgun, lets off or discharges any firework or send up any fire-balloon, or permits such act to be done in premises over which he has control, shall be liable on conviction to fine not exceeding fifty rupees. In the event of any such act being done within any private premises the person having the immediate control of such premises shall be deemed to have permitted the act, unless he can prove that the act was committed without his knowledge.

(51. *Penalty for being drunk and for disorderly behaviour* .-Whoever in any street or public place or in any court, police station or other public office or in any place of public

amusement or resort or on board any passenger boat or vessel or in any public passenger vehicle, is found drunk and incapable of taking care of himself or behaves in a disorderly manner under the influence of drink shall, on conviction, be punished-

(a) for a first offence, with imprisonment for a term which may extend to one month and with fine which may extend to two hundred rupees:

Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the court, such imprisonment shall not be less than fifteen days and fine shall not be less than fifty rupees; and

(b) for a subsequent offence, with imprisonment for a term which may extend to six months and with fine which may extend to five hundred rupees:

Provided that in the absence of special and adequate reason to the contrary to be mentioned in the judgment of the court, such imprisonment shall not be less than one month and fine shall not be less than one hundred rupees.

*Explanation* .-For the purposes of this section and section 51A, "public passenger vehicle" means a vehicle used for carrying passengers for hire or reward other than a vehicle which carries passengers for hire or reward under a contract express or implied for the use of the vehicle as a whole at or for a fixed or agreed rate or sum.

"51A. *Penalty for riotous or indecent behaviour in street etc.*- Whoever in any street or public place or in any court, police station or other public office or in any place of public amusement or resort or on board any passenger boat or vessel or in any public passenger vehicle, is guilty of any violent riotous disorderly or indecent behaviour shall, on conviction, be liable to fine which may extend to fifty rupees, or with imprisonment for a term which may extend to eight days or with both)

*Explanation.*- 'Public passenger vehicle' means a vehicle used for carrying passengers for hire or reward other than a vehicle which carries passengers for hire or reward under contract express or implied for the use of the vehicle as a whole at or for a fixed or agreed rate or sum.

52. *Penalty for failure to conform to lawful and reasonable directions of Police Officers* .-Every person who disobeys any directions given by a police officer under this Act or rules made thereunder shall on conviction be liable to fine not exceeding two hundred rupees.

53. *Penalty for inducing Police Officers to withhold service etc* .-Whoever induces or attempts to induce or does any act which he knows is likely to induce any member of the police force to withhold his service or to commit a breach of discipline shall on conviction be punished with imprisonment which may extend to six months or with fine which may extend to two hundred rupees or with both.

[\[10\]](#) (53A. *Penalty for possession of property believed to have been stolen* .-Who ever is found in possession or is proved to have been in possession of anything which there is reason to believe to be stolen property or property fraudulent obtained and for the possession of which he fails satisfactorily to account, shall on conviction be liable to fine not exceeding one hundred rupees or to imprisonment for a term which may extend to three months or to both.)

[\[11\]](#) (53B. *Penalty for contravention of section 18A* .-whoever contravenes section 18A or the rules made thereunder shall, on conviction, be liable to imprisonment for a term which may extend to five thousand rupees or to both.)

54. *Penalty for contravention of the provisions of sections 19 and 20* .-Every person opposing or not obeying any order issued under section 19 or section 20 or violating the conditions of any licence granted by the Superintendent of Police for the conduct of assemblies and processions, shall be liable on conviction, to fine not exceeding two hundred rupees.

55. *Penalty for breach of conditions of licences* .-For any breach of any of the conditions of a licence granted under this Act, other than a licence granted under section 19, the licensee shall be liable on conviction to fine not exceeding one hundred rupees notwithstanding that such breach may have been owing to the default or carelessness of its servant or agent.

56. *Contravention of rules and orders* .-Whoever contravenes any rule made under section 18 shall on conviction be liable to fine which may extend to one hundred rupees.

57. *Contravention of prohibition made under sections 21,22,23 or 24* -Whoever contravenes any prohibition made under section 21, section 22, section 23 or section 24 shall on conviction be liable to imprisonment for a term which may extend to one month, or to fine which may extend to one hundred rupees, or to both.

[\[12\]](#) (57A. *Contravention of prohibition made under section 21A* .-Whoever contravenes any prohibition made under section 21A shall, on conviction, be liable to imprisonment for a term which may extend to six months, but which shall not be less than three months, and with fine which may extend to two thousand rupees.)

58. *False statement to obtain employment* .-Any person who knowingly make a false statement or uses a false document for the purpose of obtaining for himself or any person, employment or release from employment as a police officer, shall on conviction be punished with imprisonment for a term which may extend to three months, or with fine which may extend to one hundred rupees, or with both.

59. *Power to prosecute under other laws not affected* .-Nothing contained in this Act shall be construed to prevent any person from being prosecuted under any other Act for any offence made punishable by this Act, or from being liable under any other Act to any other or higher penalty or punishment that is provided for such offence by this Act.

60. *Recovery of fines imposed by Magistrates* .-The provisions of sections 64 to 70 of the Indian Penal Code, 1860, and of sections 386 to 389 of the Code of Criminal Procedure, 1898, with respect to fines shall apply to fines imposed under this Act.

## CHAPTER VII

### MISCELLANEOUS

61. *Public notices how to be given* .-Any public notice required to be given under any of the provisions of this Act shall be in writing signed by the officer issuing such notice and shall be published in the locality to be affected thereby, by affixing copies thereof in conspicuous public places or by proclaiming the same with beat of drum or by advertising the same in the Gazette or in any newspaper having circulation in the locality as such officer may deem fit.

62. *Method of proving order and notification issued under the Act.*- (1) Any order or notification published or issued by the Government under any provision of this Act and the due publication and issue thereof may be provided by the production of a copy thereof in the Gazette.

(2) Any order or notification published or issued by a Magistrate or Police Officer, under any provision of this Act may be proved by the production of a copy thereof in the Gazette or of a copy thereof signed by such Magistrate or officer and certified by him to be a true copy.

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

(2) *Revocation of licences, etc* .-Any licence or written permission granted under this Act may at any time be suspended or revoked by the officer issuing the same if any of its conditions or restrictions is infringed or evaded by the person to whom it has been granted, or if such person is convicted of any offence in any matter to which such licence or permission relates.

(3) *Grantee to produce licence, etc., when required* .-Every person to whom any such licence or written permission has been granted shall while the same remains in force at all reasonable times, produce the same if so required by a police officer.

64. *Magistrate or Police Officer not liable for anything done in good faith* .-No Magistrate or Police Officer shall be liable to any penalty or payment of damages on account of any act done or intended to be done in good faith in pursuance of any duty imposed or any authority conferred to him by any provision of this Act or of any other

law for the time being in force conferring power on the Magistrate or Police Officer or of any rule, order or direction lawfully made or given there under.

(2) *Person duly appointed or authorised not liable for anything done in good faith* .- No person duly appointed or authorised shall be liable as aforesaid for giving effect in good faith to any such order or direction issued by the Government or by a person empowered in that behalf under this Act or any rule made under any provision thereof.

(3) *Suit or prosecution not to be entertained if instituted more than six months after the date of the act complained of* .-No court shall take cognizance of any suit or complaint, in respect of any offence or wrong alleged to be committed or done by a Magistrate, police officer or other person on account of any act done in pursuance of any duty imposed or authority conferred on him by this Act or any other law for the time being in force or of any rule, order or direction lawfully made or given thereunder unless the suit or complaint is filed within six months of the date on which the offence or wrong is alleged to have been committed or done.

94) *Two month's notice before suit* .-No suit as aforesaid shall be instituted against any Magistrate, police officer or other person until the expiration of two months next after notice in writing containing a sufficient description of the wrong complained of and the relief claimed has been given to him.

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

(6) *Tender of amends made before suit* .-Whenever it is proved to the satisfaction of the court, that, before the suit was instituted, tender of sufficient amends has been made to the plaintiff shall not get his costs nor any relief not included in such tender, and shall pay the cost of the defendant in the suit :

Provided that no action shall lie when such Magistrate, Police Officer or other person has been prosecuted criminally for the same act.

65. *Plea that act was done under warrant* .-(1)When any action or prosecution is brought or any proceedings held against any police officer for any act done by him in such capacity, it is open to him to plead that such act was done by him under authority of a warrant issued by a Magistrate.

(2) Such plea may be proved by the production of the warrant directing the act, and purporting to be signed by such 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 think there is reason to doubt its genuineness.



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

66. *Cognizance of offences.*- Offences against this Act, when the accused person or any one of the accused persons is a police officer, shall not be cognizable by a Magistrate below the rank of a First Class Magistrate.

67. *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 Government and to record therein all complaints and charges preferred, the names of the complaints, and the names of persons, if any, against whom complaints are made, the names of all persons arrested, the offences charged against them, the weapons or property that may have been taken from their possession or otherwise and the names of witnesses who may have been examined.

The District Magistrate shall be at liberty to call for and inspect such diary.

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

69. *Power of Government to make rules* .-(1) The Government may by notification in the Gazette, make rules consistent with this Act to-

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

(b) regulate the recruitment and conditions of service of police officers other than the members of the Indian Police Service ;

(c) prescribe the procedure in accordance with which any licence or permission sought to be obtained or required under this Act should be applied for and fix the fees to be charged for any such licence or permission; and

[\[13\]](#) ((ca) prescribe the authority and the procedure for the grant of permit under section 18A, the terms and conditions of such permit and the fee to be levied for granting such permit;

(cb) prescribe the manner in which and the time within which an appeal under sub-section (2) of section 18B may be filed and the procedure to be followed for the disposal of such appeal.)

(d) give effect to the provisions of this Act generally.

(2) All rules made under this section shall be laid before the Legislative Assembly for not less than fourteen days, as soon as possible after they are made and shall be subject to such modifications, whether by way of repeal or amendment as the Assembly may make during the session in which they are so laid or the session immediately following.

70. *Repeal.*-(1) The Travancore-Cochin Police Act, 1951, and the Madras District Police Act, 1859, as applied to the Malabar District referred to in subsection (2) of section 5 of the State Reorganisation Act, 1956 are hereby repealed and the provisions of the police Act 1861, and of the Madras City Police Act, 1888, which have been extended to the said Malabar District, shall cease to apply in that district.

(2) All references made in any enactment to the enactments mentioned in sub-section (1) shall be read as if made to the corresponding provisions of this Act.

(3) All rules prescribed, appointments made, powers conferred and orders and certificates issued under the enactments referred to in sub-section (1) shall so far as they are consistent with this Act be deemed to have been respectively prescribed, made, conferred and issued hereunder.

# THE KERALA POLICE (AMENDMENT) ACT, 1979

## (ACT 33 OF 1979)

*An Act further to amend the Kerala Police Act, 1960.*

*Preamble . -* WHEREAS it is expedient further to amend the Kerala Police Act, 1969, for the purposes hereinafter appearing;

BE it enacted in the Thirtieth Year of the Republic of India as follows:-

1. Short title and commencement.- (1) This Act may be called the Kerala Police (Amendment) Act, 1979.

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

2. Insertion of new section 21A.-In the Kerala Police Act, 1969 (5 of 1961) (hereinafter referred to as the principal Act), after section 21, the following section shall be inserted, namely:-

“21A . Power to prohibit mass drill, mass training, etc.,- (1) The District Magistrate may, whenever he considers it necessary so to do for the preservation of the public peace or public safety or for the maintenance of public order, by public notice or by order directed to individuals, prohibit, in any area within his jurisdiction, the holding of, or taking part in, any mass drill or mass training with arms or the carrying of arms in any procession.

Explanation.- For the purposes of this section, “arms” means any type of offensive weapon and includes lathi, dand and stick.

(2) No prohibition under this section shall remain in force for more than three months:

Provided that if the Government consider it necessary so to do for the preservation of public peace or public safety or for the maintenance of public order, they may, by notification in the Gazette, direct that a public notice of order issued by a District Magistrate under this section shall remain in force for such further period not exceeding six months from the date on which such notice or order would have, but for such order, expired, as they may specify in the said notification.”.

3. Amendment of section 25.-In section 25 of the principal Act,-

(i) in the opening paragraph,-

(a) for the words “order in writing”, the word “order” shall be substituted;

(b) after the word and figures 'section 21', the word, figures and letter "section 21A," shall be inserted;

(ii) in clause (a), after the word and figures "section 21", the words, figures and letter "or under section 21A" shall be inserted.

4. Insertion of new section 57A .- After section 57 of the principal Act, the following section shall be inserted, namely:-

"57A. Contravention of prohibition made under section 21A.-Whoever contravenes any prohibition made under section 21A shall, on conviction, be liable to imprisonment for a term which may extend to six months, but which shall not be less than three months, and with fine which may extend to two thousand rupees."

**THE KERALA POLICE (SECOND AMENDMENT) [\[1\]](#)**

**ACT, 1979**

**(ACT 36 OF 1979)**

An Act further to amend the Kerala Police Act, 1960

Preamble.- WHEREAS it is expedient further to amend the Kerala Police Act, 1960, for the purpose hereinafter appearing;

BE it enacted in the Thirtieth Year of the Republic of India as follows:-

1 . Short title .- This Act may be called the Kerala Police (Second Amendment) Act, 1979.

2. Insertion of new section 53A .-After section 53 of the Police Act, 1960 (5 of 1961), the following section shall be inserted, namely:-

“53A. Penalty for possession of property believed to have been stolen.-Whoever is found in possession or is proved to have been in possession of anything which there is reason to believe to be stolen property or property fraudulently obtained and for the possession of which he fails satisfactorily to account, shall on conviction be liable to fine out exceeding one hundred rupees or to imprisonment for a term which may extend to three months or to both.”.

ACT 21 OF 2007

THE KERALA POLICE (AMENDMENT) ACT, 2007

An Act further to amend the Kerala Police Act, 1960.

*Preamble.*-- WHEREAS, it is considered necessary to make certain measures to improve the functioning of the Police in the State of Kerala;

BE it enacted in the Fifty-eighth Year of the Republic of India as follows:-

1. *Short title and commencement.*-- (1) This Act may be called the Kerala Police (Amendment) Act, 2007.

(2) It shall be deemed to have come into force on the 7th day of April, 2007.

2. *Amendment of section 2.*-- In the Kerala Police Act, 1960 (5 of 1961) (hereinafter referred to as the principal Act) in sub-section (1) of section 2,--

(1) the existing clause (i) shall be renumbered as clause (ib) and before the clause as so renumbered, the following clauses shall be inserted, namely:--

“(i)“Authority” or “Authorities” shall mean the Police Complaints Authority established at the State level and at the District level, respectively, under section 17 E;

(ia) “Board” means the Police Establishment Board constituted under section 17C;”;

(2) after the existing clause (i) renumbered as clause (ib), the following clause shall be inserted, namely:--

“(ic) “Commission” means the State Security Commission constituted under section 17A;”;

(3) after clause (ii), the following clause shall be inserted, namely:-

“(iia) “Government” means the Government of Kerala;”;

(4) after clause (iv), the following clause shall be inserted, namely:-

“(iva) “prescribed” means prescribed by rules made under the Act;”.

3. *Insertion of new section 3A.*-- After section 3 of the principal Act, the following section shall be inserted, namely:-

"3A. *Separation of Investigation from Law and Order.*-- (1) The Government may, having regard to the population in an area or the circumstances prevailing in such area, by order, separate the investigating police from the law and order police in such

area as may be specified in order to ensure speedier investigation, better expertise and improved rapport with people.

(2) The Superintendent of Police shall ensure the full co-ordination between the two wings of the police force separated under sub-section (1)."

4. *Substitution of section 4.*-- For section 4 of the principal Act, the following sections shall be substituted, namely:--

"4. *Director General of Police.*-- (1)The administration of the police throughout the State shall, subject to the control of the Government, be vested in the Director General of Police.

(2) The Director General of Police shall be appointed by the Government from amongst those officers of the State cadre of the Indian Police service who have either already been promoted to such rank or are eligible to be promoted to such rank, considering his overall record of service and experience for leading the police force of the State:

Provided that the officer selected as the Director General of Police must not have a charge pending against him in any Court or Tribunal or Departmental agency on a charge filed on behalf of the State.

4A. *Minimum Tenure of Police Officers.*-- (1) The Government may ensure a normal tenure of two years from the date of assuming charge of the post to the Director General of Police and to all Inspector Generals of Police in charge of Ranges, Superintendents of Police in charge of Districts and Station House Officers in charge of Police Stations:

Provided that the normal tenure shall not be applicable in cases of superannuation, promotion, reversion, suspension and leave.

(2) The Government or the appointing authority may, without prejudice to any other legal or departmental action, transfer any police officer before completing the normal tenure of two years, on being satisfied *prima facie* that it is necessary to do so on any of the following grounds, namely:--

(a)if he is found incompetent and inefficient in the discharge of duties so as to affect the functioning of the police force;

(b) if he is accused in a criminal case involving moral turpitude;

(c) initiation of departmental proceedings against him;

(d) if he exhibits a palpable bias in the discharge of duties;

(e) misuse or abuse of powers vested in him;

(f)incapacity in the discharge of official duties;

(g)initiation for an enquiry against him by competent authority on a grave allegation of corruption or indifference in the discharge of duty;

(h)if his conduct has been adversely commented upon by any judicial authority;

- (i) disorder or rampant crime on his area of jurisdiction.
- (j) public dissatisfaction with the effectiveness of policing in the jurisdiction; and
- (K) if he request to be transferred from the post;”

5. *Insertion of new Chapter IIIA.*-- After chapter III of the principal Act, the following chapter shall be inserted, namely:--

"CHAPTER - III A

STATE SECURITY COMMISSION, POLICE ESTABLISHMENT

BOARD AND POLICE COMPLAINTS AUTHORITY

17A. *The State Security Commission.*--(1) The Government may, by notification in the Official Gazette constitute a State Security Commission for the purpose of exercising such functions and discharging such duties as may be assigned to the Commission under this Act.

(2) The Commission shall consists of the following members, namely:--

- (i) The Minister in-charge of Home Department who shall be the Chairman;
- (ii) The Minister in-charge of Law;
- (iii) The Leader of Opposition;
- (iv) The Chief Secretary-- *ex-officio*;
- (v) The Secretary to Government, Home Department -- *ex-officio*;
- (vi) The Director General of Police-- *ex-officio*;
- (vii) Three non-official members, who shall be persons of eminence in public life with wide knowledge and experience in law and order administration, human rights, law, social service, management of public administration, nominated by the Governor.

(3) The Director General of Police shall be the Secretary of the Commission.

(4) Every member nominated under clause (vii) of sub-section (2), shall unless their seats become vacant earlier by resignation, death or otherwise, hold office for a period of three years and shall be eligible for re-nomination.

(5) If a non-official member of the Commission is absent without sufficient cause for more than three consecutive meetings thereof, the Chairman of the Commission may, remove such member from the membership of the Commission:

Provided that no member shall be removed under the provisions of this sub-section except after giving him a reasonable opportunity of showing cause against such removal.

(6) Any non-official member of the Commission, may resign his office by giving notice in writing, of his intention so to do, to the Chairman, and on such resignation being accepted, he shall be deemed to have vacated his office.



(7) The Commission shall regulate its own procedure and the conduct of the business to be transacted by it.

(8) The fees and allowances payable to the nominated members of the State Security Commission and their conditions of service shall be such as may be prescribed.

17B *Functions of the Commission.*--(1) The Commission shall have the following functions, namely:--

(a) to frame the broad policy guidelines for the functioning of the police force in the State;

(b) to issue directions for the performance of the preventive tasks and service oriented functions of the police;

(c) to evaluate, from time to time, the performance of the police in the State in general;

(d) to prepare and submit an yearly report of its functions to the Government; and

(e) to discharge such other functions as may be assigned to it by the Government.

(2) The report submitted by the Commission under clause (d) of sub-section (1) shall, on receipt, be placed before the Legislative Assembly.

(3) No act or proceedings of the Commission shall be deemed to be invalid merely by reason of any vacancy at the time of any such act or proceedings is done or passed.

(4) Notwithstanding any guidelines or directions issued by the Commission, the Government may issue such directions as it deems necessary on any matter, if the situation so warrants, to meet any emergency.

(5) The directions of the Commission shall be binding on the Police Department.

Provided that the Government may, for reasons to be recorded in writing, fully or partially reject or modify any recommendation or direction of the Commission.

17C. *Police Establishment Board.*-- (1) The State Government may constitute a Police Establishment Board which shall be a departmental body consisting of the Director General of Police as Chairman and four other senior Police Officers of the Department of the rank of Additional Director General of Police as members.

(2) The term of office of the members of the Board, the procedure for the functioning of the Board and the guidelines to be followed by the Board in the exercise of its functions shall be in such manner as may be prescribed.

17D. *Functions of the Board.*-- The Board shall discharge the following functions, namely:--

(a) to decide on appeals, complaints and general guidelines relating to all transfers, postings, promotions and other service related matters of police officers of and below the rank of Inspector of Police, subject to the provisions of the relevant service laws as may be applicable to each category of police officers;

(b) to review the functioning of the police in the State either in general or with regard to specific instances; and

(c) to discharge such other functions as may be assigned to the Board by the Government.

(2) The Government shall give due consideration to the recommendations of the Board.

(3) The Government may, either *suo motu* or on a representation filed by the affected person, for reasons to be recorded in writing, set aside or modify any decision or order of the Board.

17E. *Police Complaints Authority.*-- (1) The Government shall establish a Police Complaints Authority at the State level to look into

(i) complaints of grave misconduct of all types against police officers of and above the rank of Superintendent of Police;

(ii) serious complaints against officers of other ranks relating to molestation of women in custody or causation of death to any person or infliction of grievous hurt to any person or rape.

(2) The State Authority shall consist of the following members, namely:--

- (i) a retired judge of a High Court who shall be the Chairman of the Authority;
- (ii) a serving officer of the rank of Principal Secretary to Government;
- and
- (iii) a serving officer of the rank of Additional Director General of Police.

(3) The Government shall establish Police Complaints Authority at the district level to look into complaints against police officers of and up to the rank of Deputy Superintendent of Police.

(4) The District Authority shall consist of the following members, namely:--

- (i) a retired District judge, who shall be the Chairman;
- (ii) the District Collector; and
- (iii) the District Superintendent of Police;

Provided that the Chairman of one District Authority may be appointed as the Chairman of one or more District Authorities.

(5) The conditions of service, remuneration and other allowances of the members of the State Authority and District Authorities and the procedure for functioning of the authority or authorities shall be in such manner as may be prescribed.

(6) The Government shall, in consultation with the authority or authorities, provide all necessary facilities for their proper functioning.

(7) The State Authority and the District Level Authorities shall, while conducting enquiry, have all the powers of a civil court, while trying a suit under the Code of Civil Procedure, 1908 (Central Act 5 of 1908) in respect of the following matters, namely:--

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of any document;
- (c) receiving evidence on affidavit; and
- (d) any other matter which may be prescribed.

(8) All agencies of the Government shall render all possible assistance to the authority or authorities in respect of production of documents, examination of records, analysis of evidence or provision of expert assistance in any matter in which such authority or authorities or an officer acting under the orders of such authority or authorities requires their assistance.

(9) The recommendations of the Authority or Authorities, for any action, departmental or criminal, against a delinquent police officer shall be binding in so far as initiation of departmental proceedings or registration of a criminal case is concerned. Such recommendation shall, however, not prejudice the application of mind by the enquiry officer or the investigating officer when he is conducting the departmental enquiry or criminal investigation, as the case may be."

6. Repeal and Saving.-- (1) The Kerala Police (Amendment) Ordinance, 2007 (45 of 2007), is hereby repealed.

(2) Notwithstanding such repeal, anything done or deemed to have been done or any action taken or deemed to have been taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act .