

By Speed Post

No. U.11015/1/2011-UTL
Government of India
Ministry of Home Affairs

New Delhi, dated 10th July, 2012

To

The Administrator,
UT of Daman and Diu,
Moti Daman,

Subject: Notification regarding Extension of the Bombay Police Act, 1951 to the UT of Daman & Diu.

Sir,

I am directed to refer to the above subject and to enclose herewith a copy of the notification dated 04/07/2012 regarding Extension of the Bombay Police Act, 1951 to the UT of Daman & Diu.

Encl. As above.

Yours faithfully,

(T. Narasimhan)
Under Secretary to Govt. of India
Tel- 23093147

ADMINISTRATOR'S SECRETARIAT

दमण एवं दीव और दादरा एवं नगर हवेली,

DAMAN & DIU AND DADRA & NAGAR HAVELI,

आवक सं / INWARD No. 3999 दिनांक/ 13/7/12

निक सं / OUTWARD No. 4088 दिनांक/ 16/7/12

OFFICE OF THE
DEVELOPMENT COMMISSIONER

Inward No. 1392 Admn

Date... 16/7/12

20/7/12

19.7.12

DSC/1

✓

1
Pl take further
necessary
action
urgently.

14/07/12
SS(Home)

(TO BE PUBLISHED IN SUB-SECTION (i) OF SECTION 3, PART-II, THE GAZETTE
OF INDIA, EXTRAORDINARY)

Government of India
Ministry of Home Affairs

NOTIFICATION

New Delhi the 4th, 2012

G.S.R. (E).- In exercise of the powers conferred by section 6 of the Goa, Daman & Diu (Administration) Act, 1962 (1 of 1962), the Central Government hereby extends to the Union territory of Daman & Diu sections 1, 2, 55, 56, 57, 58, 59, 60, 61, 62, 63, 63AA, 71, 72, 141, 142, 143, 155, 156, 157, 157A, 158, 159, 160, 161, and 163 of the Bombay Police Act, 1951 (Bombay Act XXII of 1951), as in force in the State of Maharashtra, subject to the following modifications namely :-

Modifications

1. **General.**- Throughout the aforesaid sections of the Act, unless otherwise directed, for the words "State Government", the word "Administrator" shall be substituted and there shall also be made in any sentence in which the words "State Government" occur, such consequential amendments as rules of grammar may require.

2. In section 1,-

(a) in sub-section (1), for the words and figures "The Bombay Police Act, 1951", the words and figures "The Bombay Police Act, 1951 as extended to the Union territory of Daman & Diu" shall be substituted.

(b) in sub-section (2), for the words "State of Maharashtra", the words "Union territory of Daman & Diu" shall be substituted;

(c) for sub-section(3), the following sub-section shall be substituted, namely :-

“(3) It shall come into force on such date as the Administrator may, by notification in the Official Gazette, appoint:

Provided that different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be constituted as a reference to the commencement of that provision.”

3. In section 2,-

(a) for clause(1), the following clause shall be substituted namely:-

“(1) “Administrator” means the Administrator of the Union territory of Daman and Diu appointed by the President under article 239 of the Constitution ;”

(b) clauses (2), (3), (4) and (5) shall be omitted;

(c) for clause (6), the following clause shall be substituted, namely :-

“(6) “Inspector” means the Inspector of Police appointed for the Union territory of Daman & Diu ;”;

(d) clauses (7) and (7A) shall be omitted;

(e) clauses (9) and (10) shall be omitted;

(f) for clause (11), the following clause shall be substituted, namely :-

“(11) “Police Officer” means any member of the Police Force appointed or deemed to be appointed for the Union territory of Daman & Diu;”;

(g) clauses (12), (13), (13A), (14), (15), (16) and (17) shall be omitted.

4. In section 55,-

(a) for the words and figure “Whenever it shall appear in Greater Bombay and in other areas in which a Commissioner is appointed under section 7 to the Commissioner and in a district to the District Magistrate, the Sub-Divisional Magistrate or the District Superintendence specially empowered by the State Government in that behalf ”, the words “Whenever it shall appear to the District Magistrate” shall be substituted ;

(b) for the words “within the local limits of his jurisdiction or such area and any district or districts, or any part thereof, contiguous thereto within such time as such officer shall prescribe, and not to enter the area or the area and such contiguous districts, or part thereof, as the case may be or ”, the words “within the local limits of his jurisdiction by such route and such time as such officer shall prescribe, and not to enter the area, or” shall be substituted.

5. In section 56,-

(a) for the words and figure "Whenever it shall appear in Greater Bombay and other areas for which a Commissioner has been appointed under section 7 to the Commissioner and in other area or areas to which the State Govt. may, by notification in the Official Gazette extend the provisions of this section, to the District Magistrate, or the Sub-Divisional Magistrate specially empowered by the State Government in that behalf ", the words "Whenever it shall appear to the District Magistrate", shall be substituted;

(b) for the words "within the local limits of his jurisdiction or such area and any district or districts, or any part thereof, contiguous thereto by such route and within such time as the said officer may prescribe and not to enter or return to the said area or the area and such contiguous districts or part thereof, as the case may be, from which", the words "within the local limits of his jurisdiction by such route and within such time as the said officer may prescribe and not to enter or return to the said area from which" shall be substituted.

6. In section 57,-

(a) for clauses (a), (b) and (c), the following clauses shall be substituted, namely :-

- "(a) of an offence under Chapter XII, XVI or XVII of the India Penal Code, or
- (b) twice, of an offence under the Suppression of Immoral Traffic in Women and Girls Act, 1956 (104 of 1956), or
- (c) thrice within a period of three years of an offence under the Abkari Act of 1956 of the Daman and Diu Liberated Areas or any other corresponding law for the time being in force in the Union territory of Daman and Diu,"

(b) for the words "the Commissioner, the District Magistrate or the Sub-Divisional Magistrate specially empowered by the State Government in this behalf", the words "the District Magistrate" shall be substituted ;

(c) for the words "within the local limits of his jurisdiction or such area and any district or districts, or any part thereof, contiguous thereto, by such route and within such time as the said officer may prescribe and not to enter or return to the area or the area and such contiguous districts, or part thereof, as the case may be, from which", the words "within the local limits of his jurisdiction or such area and any district or districts, or any part thereof, contiguous thereto by such route and within such time as the said officer may prescribe and not to enter or return to the area from which" shall be substituted.

7. For section 58, the following section shall be substituted, namely:—

“58. Period of operation of orders under sections 55, 56 and 57.— A direction made under section 55, 56 or 57 not to enter any particular area shall be for such period as may be specified therein and shall in no case exceed a period of two years from the date on which the person removes himself or is removed from the area, district or districts or part aforesaid.”.

8. For section 59, the following section shall be substituted, namely:—

“59. Hearing to be given before order under section 55, 56 or 57 is passed.— (1) Before an order under section 55, 56 or 57 is passed against any person the officer acting under any of the said sections or any officer above the rank of an Inspector authorised by that officer shall inform the person in writing of the general nature of the material allegations against him and give him a reasonable opportunity of tendering an explanation regarding them. If such person makes an application for the examination of any witness produced by him, the authority or officer concerned shall grant such application; and examine such witness, unless for reasons to be recorded in writing, the authority or officer is of opinion that such application is made for the purpose of vexation or delay. Any written statement put in by such person shall be filed with the record of the case. Such person shall be entitled to appear before the officer proceeding under this section by an advocate or attorney for the purpose of tendering his explanation and examining the witness produced by him.

(2) The authority or officer proceeding under sub-section (1) may, for the purpose of securing the attendance of any person against whom any order is proposed to be made under section 55, 56 or 57 require such person to appear before him and to pass a security bond with or without sureties for such attendance during the inquiry. If the person fails to pass the security bond as required or fails to appear before the officer or authority during the inquiry, it shall be lawful to the officer or authority to proceed with the inquiry and thereupon such order as was proposed to be passed against him may be passed.”.

9. In section 60, in sub-section (1), for the words and figures “section 55, 56, 57 or 57A”, the words and figures “section 55, 56 or 57” shall be substituted.
10. In section 61, for the words and figures “section 55, 56, 57 or 57A”, the words and figures “section 55, 56 or 57” shall be substituted.
11. In section 62,—
- (i) in sub-section (1), for the words and figures “section 55, 56, 57 or 57A”, the words and figures “section 55, 56 or 57” shall be substituted;
 - (ii) In sub-section (2),—
 - (a) for the words “enter or return to the area, including any contiguous districts or part thereof, from which”, the words “enter or return to the area from which” shall be substituted; and

- (b) for the words "or the area and any contiguous districts or part thereof" wherever they occur shall be omitted.

12. In section 63,—

- (a) for the words and figures "section 55, 56, 57 or 57A", the words and figures "section 55, 56 or 57" shall be substituted; and
- (b) the words "or such area and any contiguous districts or part thereof, as the case may be" wherever they occur shall be omitted.

13. In section 63AA,—

- (a) for subsection (1), the following sub-section shall be substituted, namely:—

"(1) The Administrator or any other officer specially empowered by the Administrator in that behalf, may, in like circumstances and in like manner, exercise the powers exercisable by the District Magistrate under section 55, 56 or 57."; and

- (b) in sub-section (2), for the words and figures "section 55, 56, 57 or 57A" the words and figures "section 55, 56 or 57" shall be substituted.

14. In section 71,—

- (a) the words "regulation and" shall be omitted; and
- (b) the figures "43" shall be omitted.

15. For section 72, the following section shall be substituted, namely:—

"72. When Police Officer may arrest without warrant.— Any officer may, without an order from a Magistrate and without a warrant, arrest any person who contravenes any order made under section 56, 57 or 63AA."

16. For section 141, the following section shall be substituted, namely:—

"141. Penalty for contravention of directions under section 55, 56, 57 or 63AA.— Whoever opposes or disobeys or fails to conform to any direction issued under section 55, 56, 57 or 63AA or abets opposition to or disobedience of any such direction shall, on conviction, be punished with imprisonment which may extend to one year but shall not, except for reasons to be recorded in writing, be less than four months, and shall also be liable to fine."

17. In section 142,—

- (a) for clause (a), the following clause shall be substituted, namely:—
 - "(a) in contravention of a direction issued to him under section 55, 56, 57 or 63-AA enters or returns without permission to the area from which he was directed to remove himself;"

(b) in clause (b), the words "or district aforesaid or part thereof" shall be omitted.

18. For section 157, the following section shall be substituted, namely :-

"157. Presumption in prosecutions for contravention of directions issued under section 55, 56, 57 or 63AA.- Notwithstanding anything contained in any law for the time being in force, in a prosecution for an offence for the contravention of a direction issued under section 55, 56, 57 or 63AA on the production of an authentic copy of the order, it shall, until the contrary is proved and the burden of proving which shall lie on the accused, be presumed-

- (a) that the order was made by the authority competent under this Act to make it ;
- (b) that the authority making the order was satisfied that the grounds on or the purpose for which it was made existed, and that it was necessary to make the same; and
- (c) that the order was otherwise valid and in conformity with the provisions of this Act."

19. In section 157A for the words "a Commissioner" and the word "Commissioner" wherever they occur, the word "Administrator" shall be substituted.

20. In section 159, for the words "No Revenue Commissioner, Magistrate or Police Officer shall be", the words "The Administrator, any Magistrate or any Police Officer shall not be" shall be substituted.

21. In section 161, in sub-section (1), for the words "Revenue Commissioner, the Commissioner" and words "Revenue Commissioner, Commissioner", the words "Administrator" shall be substituted.

[No. U-11015/1/2011-UTL]

(K. K. Pathak)

Joint Secretary to the Govt of India

ANNEXURE

THE BOMBAY POLICE ACT, 1951 AS EXTENDED TO THE UNION TERRITORY OF DAMAN AND DIU

CHAPTER I

Preliminary

1. Short title, extent and commencement. (1) This Act may be called the Bombay Police Act, 1951.
- (2) It extends to the whole of the State of Maharashtra.

(3) It shall come into force on such date as the State Government may, by notification in the official Gazette, specify in this behalf and in that part of the State to which it is extended by the Bombay Police (Extension and Amendment) Act, 1959 (Bombay XXXIV of 1959), it shall come into force on such other date as that Government may, by like notification specify

2. **Definitions.** In this Act, unless there is anything repugnant in the subject or context-

(1) "cattle" includes elephants, camels, horses, asses, mules, sheep, goats and swine;

(2) to (5) **Omitted.**

(5-A) "eating-house" means any place to which the public are admitted, and where any kind of food or drink is supplied for consumption on the premises by any person owning or having an interest in or managing such place, and includes a refreshment-room, boarding-house, coffee-house or a shop where any kind of food or drink is supplied to the public for consumption in or near such shop but does not include "a place of public entertainment."

(6) "Inspector-General", Special Inspector-General, "Additional Inspector-General", "Commissioner", "Deputy Inspector-General", "Deputy Commissioner", "Assistant Commissioner", "District Superintendent", "Additional Superintendent", "Assistant Superintendent" and "Deputy Superintendent" means respectively the Inspector-General of Police, Special Inspector-General of Police, an Additional Inspector-General of Police, a Commissioner of Police including an Additional Commissioner of Police, a Deputy Inspector-General of Police, (including the Director of Police Wireless and Deputy Inspector-General of Police appointed under Sec. 8-A) a Deputy Commissioner of Police, an Assistant Commissioner of Police, a District Superintendent of Police (including a Superintendent of Police appointed under Sec. 8-A or 22-A), an Additional Superintendent of Police, an Assistant Superintendent of Police and a Deputy Superintendent of Police appointed or deemed to be appointed under this Act;

(7) **Omitted.**

(7A) **Omitted.**

(8) "place" includes a building, a tent, a booth or other erection, whether permanent or temporary, or any area whether enclosed or open;

(9) to (10) **Omitted.**

(11) "Police officer" means any member of the Police Force appointed or deemed to be appointed under this Act, and includes a special or an additional Police officer appointed under Sec. 21 or 22;

(12) to (17) **Omitted.**

3. to 54. Omitted.

55. Dispersal of gangs and body of persons.

Whenever it shall appear in Greater Bombay and in areas in which a Commissioner is appointed under Sec. 7 to the Commissioner and in a district to the District Magistrate the Sub-Divisional Magistrate or the District Superintendent specially empowered by the State Government in that behalf, that the movement or encampment of any gang or body of persons in the area in his charge is causing or is calculated to cause danger or alarm or reasonable suspicion that unlawful designs are entertained by such gang or body or by members thereof, such officer may, by notification addressed to the persons appearing to be the leaders or chief men of such gang or body and published by beat of drum or otherwise as such officer thinks fit, direct the members of such gang or body so to conduct themselves as shall seem necessary in order to prevent violence and alarm, or disperse and each of them to remove himself outside the area within the local limits of his jurisdiction or such area and any district, or districts or any part thereof, contiguous thereto which in such time as such officer shall prescribe, and not to enter the area 4[or the area and such contiguous districts, or part thereof, as the case may be, or return to the place from which each of them was directed to remove himself.

56. Removal of persons about to commit offence.

Whenever it shall appear in Greater Bombay and other areas for which a Commissioner has been appointed under Sec. 7 to the Commissioner and in other area or areas to which State Government may, by notification in the Official Gazette, extend the provisions of this section, to the District Magistrate, or the sub. Divisional Magistrate specially empowered by the State Government in that behalf-

(a) that the movements or acts of any person are causing or calculated to cause alarm, danger or harm to person or property, or

(b) that there are reasonable grounds for believing that such person is engaged or is about to be engaged in the commission of an offence involving force or violence or an offence punishable under Chapters XII, XVI, or XVII of the Indian Penal Code (XLV of 1860), or in the abetment of any such offence, and when in the opinion of such officer witnesses are not willing to come forward to give evidence in public against such person by reason of apprehension on their part as regards the safety of their person or property,

(bb) that there are reasonable grounds for believing that such person is acting or is about to act (1) in any manner prejudicial to the maintenance of public order as defined in the Maharashtra Prevention of Communal, Antisocial and other Dangerous Activities Act, 1980, or (2) in any manner prejudicial to the maintenance of supplies of commodities essential of the community as

defined in the Explanation to sub-section (1) of Sec. 3 of the Prevention of Black-marketing and Maintenance of Supplies of Essential Commodities Act, 1980 (VII of 1980), or

(c) that an outbreak of epidemic disease is likely to result from the continued residence of an immigrant, the said officer may, by an order in writing duly served on him or by beat of drum or other wise as he thinks fit, direct such person or immigrant so to conduct himself as shall seem necessary in order to prevent violence and alarm [or such prejudicial act] or the outbreak or spread of such disease or to remove himself outside the area within the local limits of his jurisdiction or such area and any district or districts, or any part thereof, contiguous thereto by such route and within such time as the said officer may prescribe and not to enter or return to the said area or the area and such contiguous districts, or part thereof as the case may be from which he was directed to remove himself.

57. Removal of persons convicted of certain offences.

If a person has been convicted –

- (a) (i) of an offence under Chapters XII, XVI or XVII of the Indian Penal Code (XLV of 1860),
or
(ii) of any offence under Secs. 65, 66-A or 68 of the Bombay Prohibition Act, 1949 (Bom. XLV of 1949), or
(iii) of an offence under Secs. 3, 4, 5, 6 or 9 of the Suppression of Immoral Traffic in Women and Girls Act, 1956 (CIV of 1956), or
(iv) of an offence under Sec. 135 of the Customs Act, 1962 (52 of 1962), or

- (v) of an offence under Sec. 4, or for accepting bets in any public street or thoroughfare or in any place to which the public have or permitted to have access or in any race course under Cl. (a) of Sec. 12, or under Sec 12-A of the Bombay Prevention of Gambling Act, 1867 (Bom. IV of 1867), or
- (b) twice or more of an offence under the Bombay Prohibition Act, 1949 (Bom XXV of 1949) not being an offence under Secs. 66, 66-A or 68, or
- (c) twice or more of an offence under Sec- 122 or 124 of this Act, the Commissioner, the District Magistrate, or the Sub Divisional Magistrate specially empowered by the State Government in this behalf, if he has reason to believe that such person is likely again to engage himself in the commission of an offence similar to that for which he was convicted, may direct such person to remove himself outside the area within the local limits of his jurisdiction or such area and any district or districts, or any part thereof, contiguous thereto by such route and within such time as the said officer may prescribe and not to enter or return to the area or the areas and such contiguous district or districts or part thereof, as the case may be, from which he was directed to remove himself.

Explanation. For the Purpose of this section "an offence similar to that for which a person was convicted", shall mean-

(i) in the case of a person, convicted of an offence mentioned in Cl. (a) (i) an offence falling under any of the chapters of the Indian Penal Code (XLV of 1860), and

(ii) in case of a person convicted of an offence mentioned in Cl. (a) excluding sub-clause (i) thereof (b) and (c) an offence falling under the provisions of the Acts mentioned respectively in the said clauses. From the date on which the person removes himself or is removed from the area, district or districts or part aforesaid.

57-A. Omitted.

58. Period of operation of orders under Secs. 55, 56, 57 and 57-A.

A direction made under Secs. 55, 56 or 57 not to enter any particular area or such area and any district or districts, or any part thereof contiguous thereto, as the case may be, shall be for such period as may be specified therein and shall in no case exceed a period of two years, from the date on which the person removes himself or is removed from the area, district or districts or part aforesaid.

59. Hearing to be given before order under Secs. 55, 56, 57 and 57-A is passed.

(1) Before an order under Ss. 55, 56, 57 and 57-A is passed against any person the officer acting under any of the said sections or any officer above the rank of an Inspector authorized by that officer shall inform the person in writing of the general nature of the material allegations against him and give him a reasonable opportunity of tendering and explanation regarding them. If such person makes so application for the examination of any witness produced by him, the authority or officer concerned shall grant such application; and examine such witness, unless for reasons to be recorded in writing, the authority or officer is of opinion that such application is made for the purpose of vexation or delay. Any written statement put in by such person shall be filed with the record of the case. Such person shall be entitled to appear before the officer proceeding under this section by an advocate or attorney for the purpose of tendering his explanation and examining the witnesses produced by him.

(2) The authority or officer proceeding under sub-section (1) may, for the purpose of securing the attendance of any person against whom any order is proposed to be made under Secs. 55, 56, 57 and 57-A require such person to appear before him and to pass a security bond with or without sureties for such attendance during the inquiry. If the person fails to pass the security bond as required or fails to appear before the officer or authority during the inquiry, it shall be lawful to

the officer or authority to proceed with the inquiry and thereupon such order as was proposed to be passed against him, may be passed.

60. Appeal. (1) Any person aggrieved by an order made under Secs. 55, 56, 57 and 57-A may appeal to the State Government within thirty days from the date of such order.

(2) An appeal under this section shall be preferred in duplicate in the form of a memorandum, setting forth concisely the grounds of objection to the order appealed against, and shall be accompanied by that order or a certified copy thereof.

(3) On receipt of such appeal, the State Government may, after giving a reasonable opportunity to the appellant to be heard either personally or by a pleader advocate or attorney and after such further inquiry, if any, as it may deem necessary, confirm, vary or cancel or set aside the order appealed against, and make its order accordingly:

Provided that the order appealed against shall remain in force pending the disposal of the appeal, unless the State Government otherwise directs.

(4) In calculating the period of thirty days provided for an appeal under this section, the time taken for granting a certified copy of the order appealed against, shall be excluded.

61. Finality of order passed by State Government in certain case.

Any order passed under Secs. 55, 56, 57 and 57-A or by the State Government under Sec. 60 shall not be called in question in any Court except on the ground that the authority making the order or any officer authorised by it had not followed the procedure laid down in sub-section (1) of Sec. 59 or that there was no material before the authority concerned upon which it could have based its order on the ground that the said authority was not of opinion that witnesses were unwilling to come forward to give evidence in public against the person in respect of whom an order was made under Sec. 56.

62. Procedure on failure of person to leave the area and his entry therein after removal.

(1) If a person to whom a direction has been issued under Secs. 55, 56, 57 and 57-A to remove himself from an area

(i) fails to remove himself as directed, or

(ii) having so removed himself, except with the permission in writing of the authority making the order as provided in sub-section (2), enters the area within the period specified in the order, the authority concerned may cause him to be arrested and removed in police custody to such place outside the area as the said authority may in each case prescribe.

(2). The authority making an order under Secs. 55, 56, 57 and 57-A may in writing permit any person in respect of whom such order has been made to enter or return to the area, including any contiguous districts or part thereof, from which he was directed to remove himself, for such

temporary period and subject to web conditions as may be specified in such permission and may require him to enter into a bond with or without surety for the due observance of the conditions imposed. The authority aforesaid may at any time revoke any such permission. Any person who with such permission enters or returns to such area shall observe the conditions imposed, and at the expiry of the temporary period for which he was permitted to enter or return, or on the earlier revocation of such permission, shall remove himself outside such area, or the area and any contiguous districts or part thereof, and shall not enter therein or return thereto within the unexpired residue of the period specified in the original order made under Secs. 55, 56, 57 and 57-A without a fresh permission. If such person fails to observe any of the conditions imposed, or to remove himself accordingly, or having so removed himself enters or returns to the area, or the area and any contiguous districts or part thereof, without fresh permission, the authority concerned may cause him to be arrested and removed in police custody to such place outside the area as that authority may in each case prescribe.

63. *Temporary permission to enter or return to the area from which a person was directed to remove himself.*

(1) The State Government or any officer specially empowered by the State Government in that behalf may, by order, permit any person in respect of whom an order has been made under Secs. 55, 56, 57 and 57-A to enter or return for a temporary period to the area, or such area and any contiguous districts or part thereof, as the case may be, from which he was directed to remove himself, subject to such conditions as it [or he] may by general or special order specify, and which such person accepts and may, at any time, revoke any such permission.

(2) In permitting a person under sub-section (1) to enter or return to [the area or such area and any contiguous districts, or part thereof, as the case may be, from which he was directed to remove himself, the State Government or such officer may require him to enter into bond with or without surety for the observance of the conditions imposed.

(3) Any person permitted under sub-section (1) to enter or return to the area or such area and any contiguous districts, or part thereof, as the case may be, from which he was directed to remove himself shall surrender himself at the time and place and to the authority specified in the order or in the order revoking the said order, as the case may be.

63-AA. *Powers of externment of State Government and officers specially empowered.*

(1) The State Government or any officer specially empowered by the State Government in that behalf, may, in like circumstances and in like manner, exercise the powers exercisable, in any area for which a Commissioner is appointed by the Commissioner, and in a district by the District Magistrate, Sub-Divisional Magistrate or Superintendent specially empowered by the State Government in that behalf, as the case may be, under Secs. 55, 56, 57 and 57-A with this modification that it shall be lawful for the State Government or the officer specially empowered to direct the members of such gang or body, or persons or immigrants, or persons convicted or person declared to be beggars, as the case may be, to remove themselves from, and not to enter

or return to, any local area, or any such area and any district or part thereof, whether contiguous thereto or not.

(2) The provisions of Secs. 58, 59, 60, 61, 62 and 63 shall *mutatis mutandis* apply to the exercise of any powers under this section, as they apply to the exercise any powers under Secs. 55, 56, 57 and 57-A.

64. to 70. **Omitted.**

71. *Duty of Police to see orders issued under Secs. 43, 55, 56, 57, 57-A or 63-AA are carried out.*

It shall be the duty of the Police to see that every regulation and direction made by any authority under Secs. 43, 55, 56, 57, 57-A or 63-AA, is duly obeyed, to warn persons who from ignorance fail to obey the same and to arrest any person who willfully disobeys the same .

72. *When Police officer may arrest without warrant.*

Any police officer may, without any order from a Magistrate and without a warrant, arrest-

(1) any person who has been concerned in an offence punishable under Sec 121 or against whom a reasonable complaint has been made or credible information has been received or a reasonable suspicion exists, of his having been concerned in such offence;

(2) any person who contravenes a rule or order under Cl. (x) of sub-section (1) of Sec. 33 or an order or notification under Secs. 36, 37, 56, 57, 57-A or 63-AA ;

(2-A) any person who contravenes any order made under sub-section (1) of Sec. 63-A ;

(3) any person who commits an offence punishable under Sec. 122 or Sec. 136.

73. to 140. **Omitted.**

141. *Penalty for contravention of directions under Secs. 55, 56, 57, 57-A or 63-AA.*

Whoever opposes or disobeys or fails to conform to any direction issued under Secs. 55, 56 3[57, 57-A or 63-AA or abets opposition to or disobedience of any such direction shall, on conviction, be punished with imprisonment which may extend to one year but shall not, except for reasons to be recorded in writing, be less than four months, and shall also be liable to fine.

142. *Penalty for entering without permission area from which a person is directed to remove himself or overstaying when permitted to, return temporarily.*

Without prejudice to the power to arrest and remove a person in the circumstances and in the manner provided in Sec. 62, any person who –

(a) in contravention of a direction issued to him under Secs. 55, 56, 57, 57-A or 63-AA enters or returns without permission to the area, or any district or districts or part thereof, from which he was directed to remove himself;

(b) enters or returns to any such area or district aforesaid or part thereof with permission granted under sub-section (2) of Sec. 62, but fails, contrary to the provisions thereof, to remove himself outside such area at the expiry of the temporary period for which he was permitted to enter or return or on the earlier revocation of such permission, or having removed himself at the expiry of such temporary period or on revocation of the permission, enters or returns thereafter without fresh permission, shall on conviction, be punished with imprisonment for a term which may extend to two years, but shall not, except for reasons to be recorded in writing, be less than six months, and shall also be liable to fine.

143. *Penalty for failure in surrender in accordance with sub-section (3) of Sec. 3.*

Whoever fails without sufficient cause to surrender in accordance with sub-section (3) of Sec. 63 shall, on conviction, be punished with imprisonment which may extend to two years and shall also be liable to fine.

144. to 154. **Omitted.**

155. *Method of proving orders and notifications.*

Any order or notification published or issued by the State Government or by a Magistrate or officer under any provision of this Act, and the due publication or issue thereof may be proved by the production of a copy thereof in the Official Gazette, or of a copy thereof signed by such Magistrate, or officer, and by him certified to be a true copy of an original published or issued according to the provisions of the section of the Act applicable thereto.

156. *Rules and orders not invalidated by defect of form or irregularity in procedure.*

No rule, order, direction, adjudication, inquiry or notification made or published, and no act done under any provision of this Act, or of any rule made under this Act, or in substantial conformity to the same, shall be deemed illegal, void, invalid or insufficient by reason of any defect of form or any irregularity of procedure.

157. *Presumption in prosecutions for contravention of directions issued under Sec. 55, 56, 57, 57-A or 63-AA.*

Notwithstanding anything contained in any law for the time being in force, in a prosecution for an, offence for the contravention of a direction issued under Sec. 45, 56, 57 or 63- AA on the production of an authentic copy of the order, it shall, until the contrary is proved and the burden of proving which shall lie on the accused, be presumed-

- (a) that the order was made by the authority competent under this Act to make it ;
- (b) that the authority making the order was satisfied that the grounds on or the purpose for which it was made existed, and that it was necessary to make the same; and
- (c) that the order was otherwise valid and in conformity with the provisions of this Act.

157-A. *Officers holding charge of or succeeding to vacancies competent to exercise powers:*

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

158. *Forfeiture of bond entered into by person permitted to enter or return to the area from which he was directed to remove himself.*

If any person permitted under sub-section (1) of Sec.63 fails to observe any condition imposed under the said sub-section or in the bond entered into by him under sub-section (2) of the said section his bond shall be forfeited and any person bound thereby shall pay the penalty thereof or show cause to the satisfaction of the court why such penalty should not be paid.

159. *No Magistrate or Police officer to be liable to penalty or damage for act done in good faith in pursuance of duty.*

No Revenue Commissioner, Magistrate] or Police officer shall be liable to any penalty or to payment of damages on account of an act done in good faith, in pursuance or intended pursuance or any duty imposed or any authority conferred on him by any provision of this Act or any other law for the time being in force or any rule, order or direction made or given therein.

160. *No public servant liable as aforesaid for giving effect in good faith to any rule, order or direction issued with apparent authority.*

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

161. *Suits or prosecutions in respect of acts done under colour of duty as aforesaid not to be entertained or to be dismissed if not instituted within prescribed period.*

(1) In any case of alleged offence by the Revenue Commissioner, a Magistrate, Police officer or other person, or of a wrong alleged to have been done by such Revenue Commissioner, Magistrate, Police officer or other person, by any act done under colour or in excess of any such duty or authority as aforesaid, or wherein, it shall appear to the court that the offence or wrong if committed or done was of the character aforesaid, the prosecution suit shall not be entertained, or shall be dismissed, if instituted, more than six months after the date of the act complained of:

Provided that, any such prosecution against Police officer may be entertained by the court, if instituted with the previous sanction of the State Government within two years from the date of the offence.

(2) In suits as aforesaid one month's notice of suit to be given with sufficient description of wrong complained of. In this case of an intended suit on account of such a wrong as aforesaid, the person intending to sue shall be bound to give to the alleged wrong doer one month's notice at least of the intended suit with sufficient description of the wrong complained of, failing which such suit shall be dismissed.

(3) Plaint to set forth service of notice and tender of amend. 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 any, 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.

162. Omitted.

163. *Public notices how to be given.*

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

164. to 167. Omitted.

Schedule-I Omitted.

Schedule-II Omitted.