

HYDERABAD CITY POLICE ACT, 1348

9 of 1348

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SCHEDULE 1 :- SCHEDULE

HYDERABAD CITY POLICE ACT, 1348

Preamble:- Whereas it is expedient to consolidate the law relating to the Hyderabad City Police Act so as to make the Hyderabad City Police an effective means for prevention and detection of crimes, maintenance of peace and investigation into circumstances; it is hereby enacted as follows :-

CHAPTER 1

Preliminary

1. Short title, commencement and extent :-

This Act may be called the Hyderabad City Police Act and shall come into force from the date of its publication in the Official Gazette within the limits which are now prescribed for City Police or which the Government may, from time to time, prescribe.

2. Repeal of previous enactments :-

(1) On the commencement of this Act all enactments which are inconsistent with or a repetition of the provisions of this Act shall be deemed to have been repealed.

(2) All rules and certificates issued, appointments made, powers conferred and orders issued under the previous enactments before the commencement of this Act shall, so far as they are not inconsistent with the provisions of this Act, be deemed to have been issued, made, conferred and issued under this Act.

3. Definitions :-

In this Act unless there is something repugnant in the subject or context:-

(a) the words "complaint," "investigation," "offence," "cognizable offence," "non- cognizable offence," "bailable offence," "non-bailable offence," "officer incharge of police station" shall respectively have the meanings assigned to them in the Code of Criminal Procedure, 1898: (Central Act 5 of 1898).

(b) "Police officer" shall be deemed to include every member of the City Police force appointed under this Act and shall also include the Commissioner of City Police, Hyderabad, Deputy or Assistant Commissioner of Police, and subject to the provisions of Sub-section (2) of Section 9 and Sub-section (2) of Section 10 shall also include every person who has been appointed as an additional or

special police officer;

(c) "officer in-charge of section" shall include, when the Inspector of the section is absent or unable from illness or other cause to perform his duties, the next senior police officer in the section or such other officer of the Division may, with the sanction of the Commissioner of City Police, Hyderabad} appoint in this behalf;

(d) the word "cattle" shall have the same meaning as defined in Sub-section (45a) of Section (2) of the Andhra Pradesh (Telangana Area) General Clauses Act, 1308F. (Act III of 1308F,);

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

(f) "signature" shall have the same meaning as defined in the Andhra Pradesh (Telangana Area) General Clauses Act, 1308F. (Act III of 1308F;

(g) "public place of amusement" means every place or house or tent or enclosure or booth or any other building whether permanent or temporary where singing, music, dancing or any diversion or game and any thing giving amusement or the means of carrying on the same is provided and to which the public are admitted either on payment of money or with the intention that money may be collected from them on admission and shall include the race course, circus, theatre, music and dancing hall, billiards room, gymnasium or any other place allotted for such purpose;

(h) "public place of entertainment" means any enclosed or open place to which the public have access and where any kind of articles of food and drink are supplied for consumption by any person or for the profit of any person owning or having any interest in or managing such place and shall include a refreshment room, tea house, liquor house, boarding house, lodging house, hotel, tavern or sendhi, wine, ganja, toddy, bhung, or opium shops;

(i) "street" includes every road, foot-way, square or passage whether a thoroughfare or not over which the public have permanently or temporarily right of passage;

(j) "public place" also includes the place within the premises or enclosure of any public building or monuments and all places to which the public have access for drawing water, washing or bathing or for the purpose of recreation;

(k) "vehicle" means every kind of carriage, cart, tray, handcart and

other wheeled conveyance which is used on a street for conveyance or transport and also includes a bicycle, tricycle, and automotor car.

CHAPTER 2

Of the Police force and Additional and Special Police

4. Organisation of Police :-

For the City of Hyderabad there shall be appointed a Police force and its strength and constitution shall be as may be prescribed in accordance with the orders of the Government issued in this behalf, from time to time.

5. Appointment and removal of Police Commissioner :-

The control and supervision of the aforesaid Police force shall, subject to the orders of the Government, be vested in an officer who shall be called the Commissioner of City Police, Hyderabad for the City of Hyderabad and, who may, from time to time, be appointed and removed by the Government.

6. Appointments of Deputy and Assistant Commissioner :-

(1) The Government may from time to time, appoint one or more Deputy Commissioners and one or more Assistant Commissioners, or may remove any Deputy Commissioner or Assistant Commissioner so appointed.

(2) Power of Deputy and Assistant Commissioners:- Every such Deputy Commissioner shall subject to the orders of the Commissioner of City Police, Hyderabad be competent to exercise all powers or perform some the duties which are required to be performed by the Commissioner of City Police, Hyderabad under this Act or any other enactment for the time being in force and every Assistant Commissioner of Police appointed under Section 7 shall exercise such powers or perform such duties as may from time to time, be conferred upon or assigned to him by the Commissioner of City Police, Hyderabad; but the powers vested in the Commissioner of City Police, Hyderabad under Sections 21 and 47 of this Act shall not be exercised by a Deputy or Assistant Commissioner referred to in this Sub-section.

7. Powers of appointment and promotion :-

(1) The powers to appoint and promote an Inspector, Sub-Inspector and other subordinate of the force shall vest in the Commissioner of City Police, Hyderabad. The Government shall have the power to appoint the Deputy Commissioner and Assistant

Commissioner of Police.

(3) Nothing contained in Sub-section (2) shall effect any criminal proceeding by which any criminal liability or charge is established for an offence against any Police officer.

8. Certificates of service to Police Officers to be given by the Commissioner of City Police, Hyderabad :-

(1) Every Police officer appointed by the Commissioner of City Police, Hyderabad shall, at the time of appointment be given a certificate of service in the form (A) annexed hereto under the signature of the Commissioner of City Police, Hyderabad. All the powers privileges, functions and responsibilities shall be conferred and imposed upon the Police officer by such certificate.

(2) Such certificate shall be deemed to be void when the persons named therein ceased to be in the Police service.

(3) Effect of suspension of Police Officer:- When a Police officer is suspended from his powers, duties and privileges shall be temporarily suspended and such Police officer shall not, by reason of suspension, be deemed to be excluded from the definition of Police officer but shall be deemed to be subject to all the responsibilities, prohibitions and compliance with orders in the same manner as he would be if he had not been suspended.

9. Power to appoint additional Police Officers :-

(3) Notice shall be given for discontinuance of service:- In every case in which Police officers are appointed on the application of any person, such person shall give a notice in writing to the Commissioner of City Police, Hyderabad fixing a period of one month and requiring him to terminate the services of such Police officers within one month or a lesser period from the date of receipt of notice as the Commissioner may fix.

(4) The Commissioner shall on application account for the monies received by him towards the expenditure on account of the additional Police officers.

(5) In any case under this section if any dispute arises the decision of the Chief City Magistrate shall be final as to the amount to be paid and the person by whom it is to be paid and sum so determined, may on the request of the Commissioner of City Police, Hyderabad be recovered as fine by the Chief City Magistrate.

10. Power to appoint Special Police :-

(1) The Commissioner of City Police, Hyderabad may, at any time when he thinks it immediately likely that a disturbance or a dispute may take place or the public peace may be disturbed and that the ordinary Police force is insufficient for the protection of the life and property of the inhabitants of that place, appoint as special Police officer any healthy male between the age of eighteen and fifty-five years.

(3) Refusal to or neglect in discharge of duties:- If any person who has been appointed as a special Police officer under this Act refuses without reasonable cause to work as a special Police officer or neglects the discharge of duties or takes objection to comply with any lawful order or direction given in connection with discharge of duties, he shall be punished with fine which may extend to fifty rupees.

11. Fixing of Divisions, sections and beats :-

12. Powers of Commissioner of City Police of Hyderabad to issue rules as to organisation of Police Force :-

The Commissioner of City Police, Hyderabad} may issue such orders with regard to the following matters as he may think expedient:

(a) Recruitment, organisation, instruction, classification, discipline and general supervision of the force:

(b) the number and description of arms and other necessities to be given to the Police; and

13. Powers of Commissioner of City Police, Hyderabad to make rules regarding the discharge of duties of Police Officer :-

(2) A copy of the rules made and issued under this section shall be kept in every police station.

14. Police Officers not to withdraw from service without permission or notice :-

15. Return of certificate of services, arms etc. :-

(2) Warrant for seizure:- The Commissioner of City Police, Hyderabad or any Magistrate may issue a warrant for the search and seizure of any certificate of service, arms, accoutrements, livery and other necessary articles not returned under Sub-section

(1).

(3) Every warrant so issued shall be executed in accordance with the provisions of this Act by a Police Officer or if the authority issuing the same otherwise directs by any other person also.

(4) Nothing in this section shall apply to any article which under the order of Commissioner of City Police, Hyderabad has become the property of the person to whom the same was furnished.

16. Police Officer to be deemed always on duty :-

Every Police Officer not on leave or under suspension shall, for the purposes of this Act, be deemed to be always on duty through the limits of the City Police.

17. Prohibition as to other employment :-

No Police officer, other than a special Police Officer shall, without the permission of the Government either as principal or agent

(a) carry on any trade;

(b) be concerned in any way in the purchase or sale of any immovable property situate within the limits of the City Police or of any interest therein;

(c) accept any other office or take to any other profession or engage in any other business other than his office or duties as Police Officer.

18. Punishable acts by Police Officers :-

Any Police Officer who--

(a) contravenes the provisions of Section 17, or

(b) is guilty of cowardice, or

(c) resigns his office or withdraws from the duties assigned to him in contravention of the provisions of Section 14 of this Act, or

(d) wilfully contravenes or neglects any law or rule or order which it is his duty as Police Officer to obey,

(e) is guilty of violation of any duty for which no punishment is provided by any other law, shall 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;

19. Vexatious search, arrest, etc., by Police Officer :-

Any Police officer who

(a) without lawful authority or reasonable cause enters or searches or allows any person to enter or search any place, building, tent or vessel;

(b) vexatiously and unnecessarily seizes any property belonging to any person;

(c) vexatiously and unnecessarily detains or arrests or searches any person;

(d) vexatiously and unnecessarily delays in producing before a Magistrate or any other officer before whom he is bound to produce any person who has been arrested;

(e) inflicts unnecessary pain upon any person in his custody;

(f) unlawfully induces or threatens any accused; shall for every such offence be punished with imprisonment for a term which may extend to six months or with fine which may extend to 500 rupees or with both.

20. Making false statement to obtain employment :-

Any person who wilfully makes a false statement or produces a false document for the purpose of obtaining for himself or any other person employment in Police or release from such employment shall 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.

CHAPTER 3

Police Regulations, Rules for Preservation of order

21. Power to make rules for regulation of traffic and for preservation of order :-

(2) The power to make rules under Sub-section (1) shall be subject to the condition of the rules being enforced after publication and they shall be published in the Official Gazette in the manner specified in Section 84.

(3) Notwithstanding the provisions contained in this section on or in any rules made thereunder, it shall always be lawful for the Commissioner of City Police, Hyderabad to refuse a licence for or to prohibit the establishment of a place of public amusement or a place of public entertainment by a notorious scoundrel or a bad

character.

22. Powers of Police Commissioner and other Police Officer to give directions to the public :-

(3) Powers to prohibit assembly and procession:- The Commissioner of City Police, Hyderabad may, at any time by order in writing prohibit every kind of assembly or procession for such time as may appear to him to be necessary and proper for preservation of peace and public safety; but no such prohibitory order shall remain in force for a period exceeding one week without the sanction of the Government.

(4) Power to reserve street or public place for any public purpose:- The Commissioner of City Police, Hyderabad may also by Public notice temporarily reserve any street or public place for any public purpose and prohibit any person from entering the area so reserved unless he observes the conditions prescribed by the Commissioner of City Police, Hyderabad.

23. Power of Commissioner of City Police, Hyderabad to issue orders for prevention of riot or disturbance :-

(1) The Commissioner of City Police, Hyderabad may in order to suppress or prevent any riot or grave disturbance temporarily close or take possession of any building or place and may exclude all or any persons therefrom or may allow them to enter the place on such conditions as he may prescribe. All such persons shall conduct themselves in accordance with such orders as the Commissioner of City Police, Hyderabad may make and notify in the exercise of the powers vested in him under this section.

(2) Compensation for loss etc., to lawful occupier of building or place taken possession of or closed by Commissioner of City Police, Hyderabad :- If the lawful occupier of such building or place suffers any substantial loss or injury by the action of the Commissioner of City Police, Hyderabad taken under Sub-section (1) of this Section, he shall be entitled to apply to the Commissioner of City Police, Hyderabad within one month from the date of such action to receive reasonable compensation for such loss or injury unless such action has been necessitated by the mode or intended mode of use of such building or place or by the misconduct of persons having access to such building or place.

(3) Dispute as to compensation to be settled by the Chief City

Magistrate :- Where in any case a dispute arises under Sub-section (2) of this section, the decision of the Chief City Magistrate shall be final as to the amount of compensation if any and person entitled thereto.

24. Powers to issue orders for maintenance of order at religious ceremonials :-

(1) If in respect of an actual or intended assemblage of a religious nature or ceremonial or corporate display or organised assemblage or exhibition or meeting held in any street or public place, it appears to the Commissioner of City Police, Hyderabad that dispute has arisen due to such assemblage or its conduct which is likely to cause grave disturbance of public place, the Commissioner or City Police, Hyderabad may give such orders as to the conduct and behaviour of the persons interested towards each other and towards the public as may appear to him reasonable under the circumstances regard being had of the apparent legal rights and established practice of and of the persons interested. Every such order shall be published in the place or area wherein it is to operate and all persons concerned shall be bound to conform to the same.

(2) Such orders to be subject to decree etc., of Court:- Any order made under Sub-section (1) of this section shall be subject to a decree, or injunction or other order of a competent court; and the Commissioner of City Police, Hyderabad shall cancel or modify the order made by him when it is made known to him that the said order is inconsistent with the decree, injunction or any other order of a competent Court made by such court on the complaint suit or application of the person interested as to the rights or duties of the person who has suffered injury by the order of the Commissioner of City Police, Hyderabad.

25. Powers of the Police to prevent disorder at public place of amusement and public resort :-

(1) For the purpose of preventing any serious disorder or unlawful acts or imminent danger to the persons assembled at any public place of amusement, meeting or assembly to which the public is invited or allowed, every Public Officer of rank superior to that of Head Constable present at such public place of amusement or meeting or assembly may, subject to the rules and orders lawfully made in this behalf, give such orders and directions as to the mode of admission of the Public to the conduct of persons attending , and

maintenance of the Public safety at such places as he thinks necessary and all persons shall be bound to conform to such reasonable directions and order.

(2) Employees of the Police to have general permission to enter such places:- The Police shall have the power to enter every such public place of amusement, meeting or assembly without obstruction for the purpose of giving effect to or carrying out the provisions of Sub-section (1) of this section and every direction given thereunder.

26. Dispersal of gangs or assembly of persons :-

(2) The Commissioner of City Police, Hyderabad may direct any person who has been twice convicted under Section 69 of this Act or any person who has been thrice convicted within a period of 3 years under Section 4 or Section 13 of the Gambling Act, 1319 Fasli as amended to remove as aforesaid.

(3) The Commissioner of City Police, Hyderabad may also direct any person who not having been born within the City Police limits, has been more than twice convicted of offence under Chapters XII, XVI and XVII of the Penal Code to remove himself in like manner from the City of Hyderabad or not to enter the City Police limits.

A copy of such order shall be sent to Chief City Magistrate.

(4) For the purposes of Sub-section (2) the decision of the Commissioner of City Police, Hyderabad, that a person has or has not been born within the City Police limits, shall be final.

(6) If the person who has been ordered under Sub-sections (1), (2), (3) or (5) fails or refuses to remove himself outside the City of Hyderabad or enters the City of Hyderabad within the prescribed period, the Commissioner of City Police, Hyderabad shall cause him to be arrested and removed in Police custody to such place outside the City of Hyderabad as may be suitable in his opinion.

(7) Before an order under Sub-section (1), (2) or (3) is passed against any person, the Commissioner of City Police, Hyderabad or any officer authorised by him not below the rank of an Assistant Commissioner Police shall inform such person in writing of the general nature of the allegations against him and give him sufficient opportunity of explaining those allegations. If such person makes an application for the examination of any witness produced by him, the Commissioner of City Police, Hyderabad or such officer

shall grant such application and examine such witness unless for reasons to be recorded in writing he is of the opinion that such application is made merely for the purpose of vexation or delay. Any written statement put in by such person shall be filed with the relevant record. Such person shall be entitled to appear before the Commissioner of City Police, Hyderabad or the said officer by a pleader or attorney for the purpose of explaining the allegations against him and for the purpose of examination of witnesses produced by him.

(8) The Commissioner of City Police, Hyderabad or the officer authorised under Sub-section (7) may, for securing the attendance of any person against whom an order is proposed to be made under Sub-sections (1), (2) or (3), exercise all or any of powers of a court under Sections 75, 76 and 77 of the Code of Criminal Procedure, 1898. When such person is brought before the Commissioner of City Police, Hyderabad he may release him on bail with or without sureties or may, from time to time, detain him in custody for such period as he thinks fit; but such period shall not exceed fifteen days at a time.

(9) Any person aggrieved by an order made by the Commissioner of City Police, Hyderabad under Sub-section (1), (2) or (3) may appeal to the Government within thirty days from the date when such order is made.

(10) Any order passed by the Commissioner of City Police, Hyderabad under Sub-section (1), (2) or (3) or by the Government under Sub-section (9) shall not be called in question in any Court unless the Commissioner of City Police, Hyderabad or the officer mentioned in Sub-section (7) had not followed the procedure laid down in the said Sub-section or there was no material before the Commissioner of City Police, Hyderabad upon which he could have based such order or the Commissioner of City Police, Hyderabad was not of opinion that witnesses were unwilling to give evidence in the public against the person in respect of whom an order was made under Sub-section (1).

(11) Nothing contained in this section shall require any Police Officer to disclose to the person against whom an order is made under Sub-section (1), (2), or (3) or to a Court the sources of his information or any fact, the communication of which may in the opinion of the Commissioner of City Police, Hyderabad reveal the name or identity of the person giving information.

27. Destruction of stray dogs :-

(1) The Commissioner of City police, Hyderabad may, from time to time, by notification proclaim that any stray dog found, during such time as may be specified in the notification wandering in any street or in any public place shall be destroyed and every such dog found in any street or public place, during the hours mentioned in the notification, shall be destroyed.

(3) Destruction or sale of dogs:- If any dog which has been detained under Sub-section (2) remains without the owner providing it with a muzzle for 3 clear days and paying all expenses for such detention may be sold or destroyed with the sanction and under the order of Commissioner of City Police, Hyderabad.

(4) Proceeds of sale how disposed of :- The Proceeds of sale of any dog under Sub-section (3) shall be applied, as far as may be, towards the expenses for its detention; and the Government shall be entitled to appropriate the balance if any.

(5) Mode of recovery of expenses:- Any expenses incurred for the detention or destruction of any such dog shall, subject to the provisions of Sub-section (4) of this section, be recoverable upon a warrant by the Commissioner of City Police, Hyderabad as fine under Section 386 of the Code of Criminal Procedure, 1898.

28. Destruction of suffering and unfit animals :-

(2) The Government may appoint such persons as it thinks fit for veterinary treatment to be Veterinary Practitioners for the purposes of this section and determine the areas of which they shall be in charge for the purposes of this section.

CHAPTER 4

Executive Powers and Duties of Police Duties of Police Officers

29. Duties of Police officers :-

(2) Every person shall be bound to conform to every reasonable direction of a Police officer given by him in the discharge of the aforesaid duties.

(3) A Police officer may remove or detain any person who fails to conform to or refuses to comply with or resists the aforesaid directions.

30. When Police may arrest any person without warrant :-

Any Police officer may without an order from a Magistrate and without a warrant arrest any person-

(a) who has been concerned in any cognizable offence before him under Section 54 of the Code of Criminal Procedure, 1898;

(b) who is liable to be punished for an offence before him under Sections 59, 61, 64, 65, and Sub-sections (e), (g) and (i) of Section 66 and Sections 67, 69, 70, 71 and Sub-section (a) of Section 73 Section 75 and clauses first and second of Section 76 and Section 77 or who contravenes the rules made under Clauses (b) and (gg) of Sub-section (1)} and Sub-sections (4) and (5) or fails to conform to the prohibitory directions given under Clause (b) of Sub-section (1) and Clauses (a) and (b) of Sub-section (2) of Section 22 or Sections 3, 4 and 5 of the Prevention of Cruelty to Animals Act No. 1 of 1313 Fasli.

(c) who has been concerned in an offence punishable under Section 60 of this Act or against whom a complaint has been made on reasonable grounds or about whom credible information has been received or reasonable suspicion exists for believing that he is so concerned.

31. Other powers of arrest to Police Officers :-

(1) Any Police Officer empowered in this behalf by the Commissioner of City Police, Hyderabad may arrest without warrant any person for an offence specified in Section 68 of this Act.

(2) Any Police Officer may, on the information of any person in possession or charge of any dwelling house, private building or land or ground attached thereto, arrest without warrant any person alleged to have committed therein or thereon an offence punishable under Section 59 of this Act.

32. Enforcement of orders issued under Sections 22, 23, 24 :-

When a notification, or orders in writing or public notice has been issued under Sub-section (2), (3) or (4) of Section 22 of this Act, or an order has been made under Section 23 or 24, any Magistrate or Police Officer may require any person who contravenes or is about to contravene the same, to desist or to abstain from so doing and in case of refusal or disobedience, may arrest such person. Any such Magistrate or Police Officer may also seize any object or article used or about to be used in contravention of the aforesaid

notification, order or notice and the object or articles seized shall be proceeded with according to the order of the Chief City Magistrate.

33. Requisitioning military aid to disperse assembly :-

If on any emergency the available Police force is not sufficient to disperse an unlawful assembly or quell a riot or any disturbance likely to disturb public peace, the Commissioner of City Police, Hyderabad or Magistrate of the highest rank who is present at the time, may apply to the officer of the highest rank of the Regular Force who may be on the spot for military aid for such purpose.

34. Duty of officer commanding military required to disperse assembly by Magistrate or Commissioner of City Police, Hyderabad :-

(1) When the Commissioner of City Police, Hyderabad or a Magistrate determines to disperse any unlawful assembly by military aid, he may require any commissioned or non-commissioned officer commanding a battalion of the Regular Force, or the volunteer corps, to disperse such assembly by military force and to arrest and confine such persons taking part in the said assembly as the Commissioner of City Police, Hyderabad or the Magistrate may direct, or as it may be necessary to arrest and confine for the purpose of dispersing the assembly or to have them punished according to law.

(2) Every such officer shall obey such requisition in such manner as he thinks fit, but in so doing shall use as little force, and do as little injury to the life and property of persons as may be possible and as may be consistent with dispersing the assembly and arresting and detaining the persons taking part in it.

35. Power of Commissioned officer to disperse unlawful assembly :-

When the public peace is manifestly endangered by any such assembly and when it is impracticable to take instruction from the Commissioner of City Police, Hyderabad or a Magistrate, any Commissioned officer may disperse such assembly by Military, and may arrest and confine any person or persons taking part in it in order to disperse the assembly or that they may be punished according to law; but if while he is acting under this section, it becomes practicable to inform the Commissioner of City Police, Hyderabad or a Magistrate, he shall do so and shall thenceforward obey the instructions of the Commissioner of City Police, Hyderabad

or Magistrate as to whether he shall or shall not continue such action.

36. Bar of Prosecution for acts done under Sections 33,34,35 :-

No prosecution against any person for any act done while acting under Section 33,34,and 35 of this Act, or under Section 42 of the Code of Criminal Procedure, 1898

(a) no Magistrate or Police Officer acting in good faith.

(b) no officer acting under Section 35 in good faith.

(c) no person doing any act in good faith on being required under Section 34 of this Act or under Section 42 of the Code of Criminal Procedure, 1898.

(d) no inferior officer, soldier or volunteer doing any act in obedience to any order which he is bound to obey, shall be deemed to have thereby committed any offence.

37. Mode of recovery of compensation for injury caused by unlawful assembly :-

(2) Exemption from payment of compensation :- On the recommendation of the Chief City Magistrate the Government may, by order, exempt any person or persons from the payment, of a portion of such compensation.

(3) No compensation shall be awarded under this section unless a claim therefor is made within one month from the date of the loss or damage or death or grievous hurt and unless the Chief City Magistrate is satisfied that the person claiming or where such claim is in respect of the death of any person, that person also had been free from blame in connection with the occurrences which led to the aforesaid loss, damage, death or grievous hurt.

(4) No suit shall be instituted in any Civil Court in respect of any loss/damage for which compensation has been awarded under this section.

38. Recovery of amount through Municipal Commissioner :-

(1)The addition in the general tax imposed under the preceding section shall be recovered by the Municipal Commissioner from the persons liable therefor in the same manner as the general taxes are recovered.

(2) The provisions of Section 204 of the Hyderabad Municipal Corporations Act II of 1956 shall apply to any such addition as if it were part of the general tax levied under the said Act.

39. Police to take charge of unclaimed property :-

(2) Every property of which the Police have taken charge under Sub-section (1) shall be produced before the Commissioner of City Police, Hyderabad.

40. Commissioner of City Police, Hyderabad to issue proclamation :-

(1) The Commissioner of City Police, Hyderabad shall issue a proclamation with the particulars of the property, requiring any person who may have a claim in respect of such property, to appear before the Commissioner of City Police, Hyderabad or any other officer whom he appoints for the purpose within six months from the date of the proclamation and submit his claim.

(2) Immediate sale of perishable property:- If such property or any part thereof is subject to speedy decay or consists of live-stock and animals or if the value of such property is less than five rupees, it may be forthwith sold by auction under the orders of the 1 {Commissioner of City Police, Hyderabad} and the proceeds of sale shall be dealt with in the same manner as is hereinafter provided for the disposal of the said property.

41. Property to be delivered to person entitled :-

(1) If the Commissioner of City Police, Hyderabad is of opinion that the claimant of any seized property is entitled to the said property he shall order the same to be delivered to him after deducting for payment of the expenses incurred in the seizure and detention thereof.

(2) Power to take securities:- The Commissioner of City Police, Hyderabad may, at his discretion, before the issue of an order under Sub-section (1) demand reasonable security from the person to whom the said property is to be delivered, and the foregoing provisions shall not affect the right of any person to recover the whole property or any part thereof, from the person to whom such property has been delivered pursuant to such order.

(3) Property to be at the disposal of Government in case no claim or objections is filed:- If no person establishes his right within the

prescribed time, such property shall be at the disposal of the Government and the said property or part thereof which has not been sold under Sub-section (2) of Section 40 may be sold by auction under the orders of the Commissioner of City Police, Hyderabad.

42. Power to establish pounds for cattle and to appoint keeper :-

(1) The Commissioner of City Police, Hyderabad shall, from time to time, appoint such places as he thinks fit to be Cattle Pounds, and a Police Officer of such rank shall be appointed as pound-keeper as Government may approve.

(2) Every pound-keeper so appointed shall discharge his duties subject to the orders of the Commissioner of City Police, Hyderabad.

43. Impounding of cattle :-

It shall be the duty of every Police Officer, and shall be lawful for any other person, to seize and impound in any Government pound any cattle found straying in any street or trespassing upon any private or Government property within the Hyderabad City Police limits.

44. Delivery of cattle :-

(1) If the owner of the impounded cattle or his agent appears and claims delivery of such cattle, the pound-keeper shall deliver the said cattle to him on payment of the pound fees and the actual expenses in respect of such cattle fixed under Sub-section (4).

(2) If, within ten days from the date of impounding any animal, no person who is the owner of such animal appears and pays the fees and expenses specified in Sub-section (4), such cattle shall be forthwith sold by auction, and the surplus remaining after deducting the fees and expenses aforesaid from the proceeds of the sale, shall be paid to any person, who, within fifteen days from the date of sale, appears before the officer appointed by the Commissioner of City Police, Hyderabad for this purpose and proves to his satisfaction that he is the owner of the said animal. In other cases such proceeds of sale shall be appropriated by the Government.

(3) No Police officer or pound-keeper shall directly or indirectly

purchase any cattle at a sale under Sub-section (2).

45. Power to inspect and seize false weights and measures :-

(1) Any Police Officer generally or specially deputed for the purpose by the Commissioner of City Police, Hyderabad may without warrant enter any shop or premises for the purpose of inspecting or searching for any weights or measures or instruments for weighing and measuring used or kept in such shop or premises.

(2) If he finds in such shop or premises weights, measures or instruments for weighting and measuring which he has sufficient reasons to believe to be false, he may seize the same and shall forthwith give information of such seizure to the Magistrate having jurisdiction. If such weights or measures or instruments shall be proved before the magistrate to be false, they shall be destroyed.

(3) Weights and measures purporting to be of the same denomination and standard as weights and measures prescribed by the Government under the Hyderabad Weights and Measures Act XIV of 1356 Fasli if they do not really correspond with those weights and measures, shall be deemed to be false weights and measures for the purpose of this section.

46. Superior Officer may perform duties imposed on subordinate Officer :-

Every Police Officer of rank superior to that of a Constable may perform any duty assigned by any law or by a lawful order to any officer subordinate to him and where any duty has been imposed on any subordinate, every superior officer, when it shall appear to him necessary, may aid such subordinate or supplement his duties or may issue any other order in supersession of his order or may prevent him in the performance of his duties whenever it shall appear to him necessary or expedient so to do for giving convenient effect to the law or for avoiding an infringement thereof.

47. Judicial powers of superior Police Officers :-

(1) The Commissioner of City Police, Hyderabad by virtue of his office, and any Deputy Commissioner of Police specially empowered in this behalf by the Government, shall have all the powers of a District Magistrate under Sections 94, 96, 97 and 98 of the Code of Criminal Procedure, 1898, (Central Act 5 of 1898).

(2) The powers specified above may be exercised for the purposes of any investigation or any other proceeding under this Act or the Code of Criminal Procedure, 1898 - (Central Act 5 of 1898).

CHAPTER 5

Procedure

48. Special powers of Commissioner of City Police, Hyderabad to summon witnesses and record their statements :-

(1) If in the course of investigation the Commissioner of City Police, Hyderabad has reason to believe that a cognizable offence has been committed, he may require the attendance before himself or any officer subordinate to him who is investigating a cognizable offence, of any person who resides within the Hyderabad City Police limits or within 30 miles of such limits, who from the information received or otherwise appears to be acquainted with the facts and circumstances of the case, and such person shall attend as so required.

The provisions of Section 161 of the Code of Criminal Procedure, 1898, Central Act 5 of 1898 shall also apply to the person so attending.

(2) In any case the Commissioner of City Police, Hyderabad may forward in writing to the Superintendent of Police of the district within the limits of which any person from whom any information is required to be obtained relating to the facts and circumstances of the case under investigation, is believed to be, such questions and facts as may be necessary for obtaining the information required, and on receipt thereof the Superintendent of Police shall examine such person and shall record his statement in the same manner and subject to the same provisions as if such Superintendent of Police were investigating such offence in his district, and shall forward the statements recorded to the Commissioner of City Police, Hyderabad.

49. Power to search for persons confined :-

If the Commissioner of City Police, Hyderabad has reason to believe that any person is confined or detained under such circumstances that such confinement or detention constitutes an offence, he may issue a search warrant; and the person to whom the search warrant is directed may search for the person specified in the warrant in accordance with such directions as may be given therein, and the

person, if found, shall be immediately be brought before the Chief City Magistrate, who shall, having regard to the circumstances of the case, make suitable order.

50. Report of investigation by subordinate Police Officer :-

(1) When an investigation is made under this Act by an officer subordinate to an officer in charge of a section, he shall report either orally or in writing the result of such investigation to the officer in charge of the section.

(2) The substance of such report shall be entered in a book which shall be maintained under the direction of the officer to whom the report is made.

51. Powers to take in custody of offensive weapons :-

Every Police Officer or other person making an arrest may take in his custody any offensive weapons and arms which may be found on the person of the persons arrested and deliver the weapons and arms so taken, to the Court officer before which or whom the person arrested is required to be produced.

52. Release of person arrested :-

If it appears to the officer-in-charge of the Section that-

(a) there are no sufficient reasons for believing that the person brought before him has committed an offence, he shall record his reasons and forthwith discharge him;

(b) there are sufficient reasons for believing that such person has committed an offence, but there are no sufficient reasons for believing that he has committed a cognizable offence, he shall forthwith produce him before the Commissioner of City Police, Hyderabad along with a report containing the reasons and shall proceed in accordance with the directions of the Commissioner of City Police, Hyderabad;

(c) there are sufficient reasons for believing that the person brought before him has committed a cognizable offence, he shall, if such person was arrested under Section 59 of the Code of Criminal Procedure., 1898 Central Act 5 of 1898 arrest him and shall either himself investigate or direct some officer subordinate to him to investigate, the facts and circumstances of the case.

53. Execution of warrant received for execution from outside the city Limits :-

The Commissioner of City Police, Hyderabad shall endorse his name on the reverse of any warrant forwarded to him by any Court outside the Hyderabad City Police limits and shall, if practicable, cause it to be executed in the prescribed manner in the Hyderabad City Police limits.

54. Warrant directed to Police Officer for execution outside the jurisdiction :-

(1) When any Court outside the City Police limits sends a warrant to any Police Officer to be executed within the City Police limits, such Police Officer shall ordinarily take such warrant for endorsement to a Police Officer not below the rank of Inspector within whose section the warrant is to be executed.

55. Person arrested to be brought before Criminal Court or Commissioner of City Police, Hyderabad :-

Any person arrested within the City Police limits under Sections 53 and 54 of this Act, shall, unless security is taken from him under the Code of Criminal Procedure, 1898 Central Act 5 of 1898 be produced before a City Magistrate or the Commissioner of City Police, Hyderabad.

56. When bail or bond may be taken from person arrested :-

(1) If it appears to City Magistrate or the Commissioner of City Police, Hyderabad that the person arrested is the person for whose arrest the Court had issued the warrant, he shall direct his removal in custody to the Court which issued the warrant :

Provided that if the offence is bailable and such person is ready and willing to execute a bond to the satisfaction of the City Magistrate or the Commissioner of City Police, Hyderabad or to give security in pursuance of any direction endorsed on the warrant by the Court which issues the same, the City Magistrate or the Commissioner of City Police, Hyderabad shall take such bond or security, as the case may be and shall forward bond or security to the Court which issued the warrant.

57. Disposal of articles discovered in the execution of search warrant issued by a court outside the City Police limits :-

When in the execution of a search warrant issued by a Court outside the City Police limits any articles for which search is made are found within the City Police limits, such articles together with the list of the same shall be produced before a City Magistrate or

the Commissioner of City Police, Hyderabad and such Magistrate or the Commissioner of City Police, Hyderabad shall unless there is good reason to the contrary, make an order that such articles shall be taken to the Court which issued the search warrant.

58. Power to seize documents or articles produced :-

The Commissioner of City Police, Hyderabad may, if he thinks fit, retain in his custody any document or article found or produced before him and in respect of which there is sufficient reason to believe that it relates to a matter under investigation or that an offence has been committed.

CHAPTER 6

Offences and Punishments

59. Wilful trespass :-

Whoever without reasonable excuse wilfully enters or remains in or upon any dwelling house or building or premises or any land or ground attached thereto, or any ground or Government building or monument or any building appropriated to public purposes, whether any actual damage is caused thereby or not, be punished with fine which may extend to twenty rupees.

60. False alarm of fire :-

Whoever wilfully gives or causes to be given by any means a false alarm of fire to any fire brigade or to any officer or firemen thereof, shall 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.

61. Person being found under suspicious circumstance between sunset and sunrise :-

Whoever between sunset and sunrise:-

(a) is found armed with any dangerous instrument with intent to commit an offence, or

(b) covers his face, or otherwise disguises, with intent to commit an offence, or

(c) is found in any dwelling house or building under such circumstances there, as not to be able to give a satisfactory account for his presence there, or

(d) is found lying or loitering in any street or yard or other place, being a reputed thief and without being able to give a satisfactory

account for his presence, or

(e) has in his possession without reasonable excuse (the burden of proving which shall be on him) any implement of house-breaking, shall be punished with imprisonment for a term which may extend to 3 months.

62. Possession of suspected articles :-

Whoever has in his possession or conveys in any manner or offers for sale or pawn any article which there is sufficient reason to believe is stolen property or property obtained by fraud, shall, if he fails to account for such possession or act to the satisfaction of the Magistrate, be punished with imprisonment for a term which may extend to 2 months or with fine which may extend to one hundred rupees.

63. Carrying intoxicating drugs, etc. into hospital or military barracks :-

Whoever-

(a) takes or introduces or attempts to take or introduce any fermented liquors or other intoxicating drugs or preparations into any public hospital without the permission of a Medical Officer of such hospital, or

(b) takes or causes to be introduced or attempts to take or introduce any fermented liquors or other intoxicating drugs or preparations for any military officer not being above the rank of a non-commissioned officer into any building occupied by the troops or barracks or guard room or military encampment, shall be punished with imprisonment, for a term which may extend to two months or with fine which may extend to one hundred rupees and such fermented and intoxicating drugs as also the vessels containing the same shall be forfeited.

64. Omission to report as to suspected articles :-

(2) Whoever, after the receipt of such information as aforesaid, melted, defaced or put away any property without previous permission, alters, defaces or puts away or causes or suffers to be altered, of the Police, shall on proof that the same was stolen property within the meaning of Section 411 of the Indian Penal Code or property in respect of which any offence punishable under Section 417, 418, 419 or 420 of the Indian Penal Code, was committed, be punished with imprisonment for a term which may

extend to three years or with fine or with both.

65. Taking any article of pledge from child :-

Whoever takes from any child not appearing to be above the age of 14 years, any articles as a pawn or pledge as security for any sum of money given to such child as a loan or otherwise or buys from such child any article, without the knowledge and consent of the owner of the article, shall be punished with fine which may extend to one hundred rupees.

66. Miscellaneous acts declared to be offences :-

Whoever in any street, or public place

(a) cleans any article of furniture, or any vehicle or grooms any animals.

(b) except at such time and place as are permitted by the Commissioner of City Police, Hyderabad makes any part of any vehicle, or save in case of a serious accident rendering repair on the spot unavoidable, repairs any part of any vehicle,

(c) drives, leads, or propels on any path meant for pedestrians, any vehicle or rides any animal other than a perambulator, or

(d) except at such times and places as the Commissioner of City Police, Hyderabad may have permitted, trains or breaks any house.

(e) sets on or urges a dog or other animal to attack, worry or put in fear any person or animal,

(f) negligently lets loose any horse, or other animal so as to cause danger, injury, alarm or annoyance or lets loose any ferocious dog without a muzzle,

(h) obstructs or otherwise causes inconvenience to a person by wilful intrusion or by improper use of a place at which bathing is permitted,

(i) flies a kite in a manner likely to cause danger, alarm or injury to any person or house or property, shall, for every such offence, be punished with fine which may extend to fifty rupees.

67. Letting of fire work, burning straw, etc., or firing gun in or near a public place :-

Except at such times or places as are permitted by the Commissioner of City Police, Hyderabad from time to time, whoever in or near a street of public place

- (a) sets fire to or burns any rubbish or straw or any other matter, or
- (b) lights bonafire, or
- (c) lets off and throws a firework, and whoever in or within two hundred yards of any street or public place,
- (d) wantonly discharge a firearm, or
- (e) sends up a rocket or balloon, shall if he commits acts under Sub-sections (d) or (e), be punished with imprisonment for a term which may extend to eight days or fine which may extend to fifty rupees, and in other cases be punished with fine which may extend to fifty rupees.

68. Exposing of body in indecent manner :-

Whoever in any street or public place or place of public traffic or in a place within sight of any street or public place, and in such manner as to be seen from there, whether or not such place is an inner portion of a dwelling house, or building, wilfully and indecently exposes his person, shall be punished with imprisonment for a term which may extend to eight days or with fine which may extend to fifty rupees.

69. Begging alms in indecent manner :-

Whoever in any street or public place begs alms, or directs or permits, children in his care to beg alms or expose to the public an ulcer, wound or ailment or physical deformity, with intent to receive alms or to force any person to give alms shall be punished with imprisonment for a term which may extend to one month or with fine which may extend to fifty rupees or with both.

70. Indecent acts in street etc. :-

Whoever in any street or public place or place of public resort

- (a) is in such a state of intoxication as not to be able to protect himself,
- (b) behaves in an indecent, riotous disorderly manner,
- (c) uses any threatening, insulting or obscene words or gestures, likely to disturb public peace or cause public nuisance, shall be punished with imprisonment for a term which may extend to eight days or with fine which may extend to fifty rupees.

71. Indecent behaviour in Court, Government offices or

Police Station :-

Whoever in any Court in Police Station or Government office, behaves in an indecent, violent or disorderly manner, shall be punished with fine which may extend to fifty rupees.

72. Contravention of notices affixed in Government buildings :-

Whoever in any Court or Police Station or Police Office or building used for Government purposes or building occupied by any public body, smokes or spits in contravention of a notice approved by the Government and affixed to some conspicuous place in such Court, station, office or building, shall be punished with fine which may extend to fifty rupees.

73. Committing nuisance in or near public place :-

Whoever in or near any street or public place or public passage-

(a) commits nuisance by easing himself, or

(b) having the care and custody of any child under (7) years of age suffers such child to commit a nuisance as aforesaid, shall be punished with fine which may extend to fifty rupees.

74. Permitting disorderly conduct in public place :-

Whoever being the keeper of any public place of amusement or entertainment knowingly permits drunkenness, disorderly behaviour or gaming in such place, shall be punished with fine which may extend to one hundred rupees.

75. Cheating at games :-

Whoever, by any fraud or unlawful device or malpractice in playing at or with cards or dice or any other game or in taking part in the wagers or betting on the sides or hands of the players, or in wagering on the event of any game, sport, pastime or physical exercise, win from any other person either for himself or for any other person or persons, any sum of money or valuable thing, shall be deemed guilty of cheating within the meaning of Section 415 of the Indian Penal Code, and be liable to punishment accordingly.

76. Contravention of rules and orders issued under this Act :-

Whoever

(a) contravenes any rule made under Section 21 of the this Act or any other order or prohibition lawfully given under Sub-section (3)

of Section 21 or Section 22, or

(b) refuses or fails to conform to any lawful and reasonable direction of any Police Officer given in accordance with this Act, or with any rule made thereunder, or

77. Entering in the City Police limits without permission after expulsion :-

Whoever, having been removed from the City Police limits under Section 22 of this Act, re-enters any place within such limits without written permission by the Commissioner of City Police, Hyderabad within two years from the date of removal shall be punished with imprisonment for a term which may extend to two years or fine or with both.

78. Prosecution in certain offences not to be compulsory :-

It shall not be incumbent on the Commissioner of City Police, Hyderabad or any Assistant Commissioner of Police specially authorised in writing in this behalf by the Commissioner of City Police, Hyderabad, to prosecute any person for offences punishable under Sub-section (3) of Section 10 or Section 64, 65, 68, or 75 unless the Government has made an order or prescribed a rule in this behalf or such offences have occasioned serious loss.

79. Prosecution under other enactments :-

Nothing in this Act shall prevent any person from being prosecuted and punished under any other enactment for any offence punishable under this Act, or from being prosecuted and punishment under this Act, for an offence punishable under any other enactment.

Provided that such cases shall be subject to the provision of Section 403 of the Code of Criminal Procedure, 1898-Central Act 5 of 1898.

CHAPTER 7

Miscellaneous

80. Disposal of fees, reward etc :-

All moneys realised as fees for licences or written permission issued under this Act, and all sums paid for the service or processes by Police Officers, or all rewards, forfeitures and penalties or shares thereof which are payable to any Police Officer giving information or for detecting crimes, shall, save in so far as any portion of such sums is, by any law for the time being in force, payable to the Hyderabad Municipality, be credited to the Government :

Provided that with the sanction of the Government or under the rules made by the Government in this behalf, the whole or any portion of such rewards, penalties or forfeitures may, for special services, be paid to a Police Officer or be divided amongst two or more Police Officers.

81. Method of proving orders and circulars :-

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

82. Rules and orders not to be deemed invalid :-

No rule, order, direction, adjudication, inquiry, or notification made or published, and no act done under the provisions of this Act or under any rules made under this Act, or which may be deemed to be in conformity to the same, shall be deemed illegal, void, invalid or insufficient by reason of not being in the prescribed form, or any defect in the publication or any irregularity of procedure.

83. Mode of actions by persons interested for cancellation and amendment of orders issued :-

(1) If any rule or order made by the Government in pursuance of the provisions herein contained and imposing on the public or a particular class of persons the responsibility to perform any duty or act, or requiring them or those under their control to do an act in the manner specified in the said rule or order, it shall be competent to any person interested, to apply to the Government through the Secretary concerned to annul, alter or amend such rule or order stating that the same is unlawful or oppressive.

(2) When suit shall lie to declare unlawful:- If such an application has been wholly or in part rejected or if after the lapse of four months no answer thereto or decision thereon has been received from or published by the Government, it shall be competent to the person interested to institute a suit against the Government for a declaration that such order or rule is unlawful either wholly or in part. Any such rule or order finally adjudged by a Court to be unlawful shall be annulled or so altered or amended as to make it conformable to law.

84. Specifying condition etc., in licences and permits :-

(1) Any written permission or licence granted under this Act or any person, shall specify the period and locality for which, and the conditions and restrictions subject to which, the person to whom the permission or licence is granted shall act, and shall be signed by the Commissioner or City Police, Hyderabad; and such fee shall be charged therefor as may be prescribed by rules made under this Act in this behalf.

(2) Suspension, revocation of licence etc:- Any written permission or licence granted under this Act may be suspended or revoked by the Commissioner of City Police, Hyderabad if the person to whom the written permission of licence has been granted infringes or evades compliance with its conditions and restrictions, or is convicted of any offence in any matter which relates to such licence or written permission.

(3) When licence is suspended or revoked the person shall be deemed without licence:- When any such licence or written permission is suspended or revoked or when the period for which the same was granted has expired, the person to whom the same was granted shall be deemed to be without a licence or permission, until the order of suspension or revocation is cancelled by the Commissioner of City Police, Hyderabad or until the same is renewed.

(4) Production of licence on demand:- Every person to whom any licence or written permission has been granted shall, while the licence or written permission remains in force, at all reasonable times produce the same before a Police Officer when required.

85. Mode of publication of notification :-

Any notification required to be published under this Act, shall be in writing and shall be published by affixing in any conspicuous place in the locality where it is intended to be published, or by proclaiming the same with beat of drum, or by advertising the same in any local newspaper or by any other means which the Commissioner of City Police, Hyderabad may think fit or by any two or more of the aforesaid means as may be suitable.

86. Permission etc., of Commissioner of Police, Hyderabad may be proved by writing under his signature :-

Whenever under this Act any act or omission or the validity of any act depends upon the consent, approval, opinion or satisfaction

of the Commissioner of City Police, Hyderabad or of any other Police Officer, a document signed by the Commissioner of City Police, Hyderabad or by such Police Officer, purporting to set forth consent, approval, opinion or satisfaction shall be deemed sufficient evidence thereof.

87. Notification may be signed by seal :-

Save any summonses, warrants, required by the provisions of this Act or the rules made thereunder, to be signed by the Commissioner of City Police, Hyderabad every licence or notification or document shall be deemed to be duly signed if it bears a facsimile of his signature stamped thereon.

88. Saving for Magistrate or Police Officer for any act done in good faith in discharge of duties :-

(1) No Magistrate or Police Officer shall be liable to any penalty or to payment of any damages on account of any act done or intended to be done in good faith in the discharge of his duties or exercise of powers under the provisions of this Act, or in accordance with any rule or order or direction issued or rules made thereunder.

(2) No Government servant or person who has been duly appointed or authorised shall be liable to payment of the penalty or damages as aforesaid for giving effect in good faith to any such order direction purporting to be issued by the Government or any person authorised in that behalf under this Act or under any rule made under this Act.

(3) Prosecution or suit to be filed within three months:- If a Magistrate or Police Officer or other person is charged with an offence or a wrong in respect an act done by him under colour of his functions or in excess of his powers of or duties as aforesaid, or wherein it shall appear to the court that the offence or wrong with which any Magistrate or Police Officer or other person has been charged, or which has been committed by him is of the character aforesaid, any suit or prosecution instituted after three months from the date on which the act is done, shall not be entertained and shall be dismissed.

(4) Suits in certain cases shall be dismissed:- If the plaint relating to such suit does not expressly allege that the act complained of has been done with malicious intent and without reasonable cause, such suit shall be dismissed, and if in a suit for damages tender of

sufficient amendment is made by the defendant before the institution of the suit, or a sufficient sum of money is paid into Court, with costs by or on behalf of the defendant, after the institution of the suit, such suit shall be dismissed.

SCHEDULE 1

SCHEDULE