

Police (Orissa Amendment) Act, 1975

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Police (Orissa Amendment) Act, 1975

An Act to amend the Police Act, 1861 in its application to the State of Orissa Be it enacted by the Legislature of the State of Orissa in the Twenty-sixth Year of the Republic of India, as follows:

1. Short Title :-

This Act may be called the Police (Orissa Amendment) Act, 1975.

2. Amendment Of Section 15-A :-

In the Police Act, 1861 (5 of 1861), in its application to the State of Orissa, for Section 15-A, the following section shall be substituted, namely:

"15-A. Awarding compensation to sufferers from misconduct of inhabitants of any area-(1) If in any area, death or grievous hurt or loss of or damage to property (including public property) has been caused by or has ensued from the misconduct of the inhabitants of such area or any class or section of them or from the failure on their parts to render assistance in preventing such loss or damage, it shall be lawful for any person who claims to have suffered injury, loss or damage from such misconduct or failure, to make within one month from the date of the injury, loss or damage, as the case may be, an application for compensation to the Magistrate of the district within which such area is situated.

(2) It shall thereupon be lawful for the Magistrate of the district, with the sanction of the State Government, after such enquiry as he may deem necessary, and whether any Additional Police Force has or has not been quartered in such area under the last preceding section to-

(a) declare the limits of the area the inhabitants of which have, in his opinion, been guilty of such misconduct or failure;

- (b) declare the persons to whom injury, loss or damage has been caused by or has ensued from such misconduct or failure;
- (c) fix the amount of compensation to be paid to such person and where there are more than one such person, the manner in which it is to be distributed among them; and
- (d) assess the proportion in which the same shall be paid by the inhabitants (other than the applicant) of such area who shall not have been exempted under Sub-section (3) from the liability to pay:

Provided that where the applicant is a private individual, the Magistrate shall not make any declaration unless he is of opinion that such injury, loss or damage as aforesaid has arisen from a riot or unlawful assembly within such area and that the applicant was himself free from blame in respect of the occurrence which led to the injury, loss or damage.

(3) It shall be lawful for the State Government, by order, to exempt any person or class or section of such inhabitants from the liability to pay any portion of such compensation.

(4) Every declaration or assessment made or order passed by the Magistrate of the district under Sub-section (2) shall be subject to revision by the Revenue Divisional Commissioner or the State Government, but save as aforesaid, shall be final.

(5) No civil suit shall be maintainable in respect of any injury, loss or damage for which compensation has been awarded under this section.

Explanation I-In this section-

- (a) "Inhabitants" shall have the same meaning as in Section 15;
- (b) "person" shall include the Central Government, the Government of any State any local authority, any company, any corporation and any association or body of Individuals whether incorporated or not;
- (c) "public property" shall have reference to any property owned by or belonging to-
 - (i) the Central Government or the Government of any State;
 - (ii) any local authority;
 - (iii) any Corporation established under any law which is owned, controlled or managed, partly or wholly, by the Central Government or any State Government;
 - (iv) any Company in which not less than fifty-one per cent of the share capital is held by the Central Government or any State Government or jointly by more than one such Government; and
 - (v) any autonomous body established under any law.

Explanation II-An application under Sub-section (1) may be made-

(a) in case of the Government, by such officer as the Government may authorise in that behalf, and
(b) in the case of any local authority, company, corporation, association or body, by the person who is in charge of the property."