



The Police (Pondicherry Amendment) Act, 1966

Act 6 of 1966

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THE POLICE (PONDICHERRY AMENDMENT) ACT, 1966

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(No. 6 of 1966)

ARRANGEMENT OF SECTIONS

SECTION

1. Short title, extent and commencement.
2. Amendment of section 1.
3. Insertion of new sections 8-A and 8-B.
4. Insertion of new sections 29-A to 29-C.
5. Insertion of new sections 34-A to 34-F.
6. Insertion of new sections 35-A to 35-C.

**THE POLICE (PONDICHERRY AMENDMENT)
ACT, 1966.**

(Act No. 6 of 1966)

18th February, 1966.

AN ACT

to further amend the Police Act, 1861 in its application to the Union territory of Pondicherry.

BE it enacted by the Legislative Assembly of Pondicherry in the Sixteenth Year of the Republic of India as follows:—

1. **Short title, extent and commencement.**—(1) This Act may be called the Police (Pondicherry Amendment) Act, 1966.

(2) It shall extend to the whole of the Union territory of Pondicherry.

(3) It shall come into force at once.

2. **Amendment of section 1.**—Section 1 of the Police Act, 1861 (5 of 1861) (hereinafter referred to as the principal Act) shall be renumbered as sub-section (1) thereof and after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

“(2) Unless the context otherwise requires,—

(a) ‘public place’ means a place (including a road, street or way, whether a thoroughfare or not, and a landing place) to which the public are granted access or have a right to resort, or over which they have a right to pass;

(b) ‘State Government’ means the Central Government and includes the Administrator of the Union territory of Pondicherry appointed by the President under article 239 of the Constitution;”.

3. **Insertion of new sections 8-A and 8-B.**—After section 8 of the principal Act, the following sections shall be inserted, namely:—

“8-A. Unlawful assumption of Police functions, personation etc.—Any person who—

(a) unlawfully assumes any function assigned to, or power conferred on, a police officer, or

(b) has in his possession, without any lawful excuse, any distinctive article of any dress required to be worn exclusively by a police officer, or

(c) puts on any dress with the intention of being taken as a police officer, or

(d) personates a police officer,

shall, in addition to any other punishment to which he may be liable for any offence committed by him under such assumed character, be punishable with imprisonment for a term which may extend to six months or with fine or with both.

8-B. Penalty for offences against police officers.—If any person maliciously or without reasonable and probable cause prefers any false or frivolous charge against any police officer in any court of law, he shall be punishable with imprisonment for a term which may extend to three months or with fine or with both.”

4. **Insertion of new sections 29-A to 29-C.**—After section 29 of the principal Act, the following sections shall be inserted, namely:—

"29-A. Prohibition of smoking in places of entertainments.—(1) If any entertainment (including cinematograph exhibition, dance or drama) to which members of the public are admitted, whether on payment or not, is held in an enclosed place or building, then, no person shall during the prohibited period, as defined in sub-section (2), smoke either—

(a) on the stage except in so far as smoking may be any part of the entertainment, or

(b) in the auditorium, that is to say, in that portion of the enclosed place or building in which accommodation is provided for members of the public :

Provided that the State Government may, by notification in the Official Gazette, exempt any class of entertainments from the provisions of this sub-section.

(2) For the purposes of sub-section (1), 'prohibited period' means so much of the period commencing thirty minutes before the beginning of the entertainment and ending with the termination thereof, as may fall within the hours which the State Government may, by notification in the Official Gazette, specify in this behalf for entertainments generally or any class of entertainments.

(3) Any person who contravenes the provisions of this section shall be liable to be ejected summarily from the enclosed place or building by any police officer and shall also be punishable with fine which may extend to fifty rupees.

(4) A person ejected under sub-section (3) shall not be entitled to the refund of any payment made by him for admission to the entertainment or to any other compensation.

29-B. Powers of Police on the occurrence of fire.—

(1) On the occurrence of a fire, any police officer above the rank of a constable, or any member of the Fire Services above the rank of a fireman, may—

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

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

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

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

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

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

(2) Any damage done on the occurrence of fires by members of Fire Services or any fire-brigade or by police officers or their assistants in the due execution of their duties shall be deemed to be **damaged by fire** within the meaning of any policy of insurance against fire.

Explanation.—Nothing in this section shall exempt any police officer or any member of Fire Services or fire-brigade from liability to damages on account of any acts done by him without reasonable cause.

29-C. Penalty for false alarm of fire.—Whoever gives or causes to be given to any fire-brigade or to any member thereof or to any member of the Fire Services, whether by means of a street fire alarm, statement, message or otherwise, any alarm of fire which he knows to be false, shall be punishable for the first offence with fine which may extend to fifty rupees and for a second or subsequent offence with imprisonment which may extend to six months and with fine.”

5. **Insertion of new sections 34-A to 34-F.**—After section 34 of the principal Act the following sections shall be inserted, namely:—

“34-A. Penalty for being found armed between sunset and sunrise intending to commit an offence.—Whoever is found between sunset and sunrise—

(i) armed with any dangerous instrument with intent to commit an offence, or

(ii) having his face covered or otherwise disguised with intent to commit an offence, or

(iii) lying or loitering or squatting in any bazaar yard or public place and without being able to give a satisfactory account of himself, or

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

(v) having in his possession, without lawful excuse any implement of house breaking,

shall be punishable with imprisonment for a term which may extend to three months.

**34-B. Penalty for certain offences in public place.—Who-
ever, in any public place,—**

(i) **Driving without lights.**—Drives, drags or pushes any vehicle at any time between half-an-hour after sunset and half-an-hour before sunrise without a sufficient light ;

(ii) **Driving etc., otherwise than in accordance with rules of the road.**—Without reasonable cause, drives, drags or pushes any vehicle otherwise than in accordance with the rules of the road notified from time to time by the State Government, or fails to obey the directions of a police officer for the time being in charge of the regulation of traffic ;

(iii) **Driving etc., animal or vehicle on a foot-way.**—Leads or rides any animal or drives, drags or pushes any vehicle upon any foot-way, or fastens any animal so that it can stand across or upon any foot-way ;

(iv) **Permitting cattle or vehicle to be under control of child.**—Permits any cattle or vehicle to be under the control of a child under the age of twelve years ;

(v) **Conveying article which projects more than five feet.**—Conveys through the streets any article which projects more than five feet in front or behind the vehicle or vehicles on which it is placed ;

(vi) **Playing music, beating tom-tom, etc.**—Beats a drum or tom-tom, or blows a horn or trumpet or beats or sounds any brass or other instrument or utensil or plays any music or uses any sound amplifier except at such time and place and subject to such conditions as may be specified in a licence issued in this behalf by the Inspector-General of Police or by any authority authorised in this behalf by him ;

(vii) **Affixing bills or defacing walls.**—Without the consent of the owner or occupier, in any manner affixes or causes to be affixed any bill, notice, document, paper or other thing upon any public place or upon any building, monument, statue, effigy, post, wall, fence, tree or other erection therein or in any manner disfigures, writes upon or otherwise marks, or causes to be defaced, disfigured, written upon or otherwise marked any such public place or any such building, monument, statue, effigy, wall, fence, post, tree or erection ;

(viii) **Begging.**—Begs or applies for alms, or exposes or exhibits any sore, wound, bodily ailment or deformity with the object of exciting charity or extorting alms ;

(ix) **Using indecent or threatening languages.**—Uses any indecent, threatening, abusive or insulting words or behaves in a threatening or insulting manner or posts up or affixes or exhibits any indecent, threatening, abusive or insulting paper or drawing with intent to provoke a breach of peace or whereby a breach of the peace may be occasioned ;

shall be punishable with fine which may extend to fifty rupees or with imprisonment for a term which may extend to one month.

¹ [34-BB. **Penalty for annoying females in public place or office.**—Whoever, with a view to annoying any female, wilfully and indecently, exposes his person or any portion thereof, makes any gesture, utters any word, or makes any sound, intending that such person or portion thereof or gesture shall be seen or that such word or sound shall be heard by such female in any public place or office, whether such exposure, gesture, word or sound is made or uttered

1. Ins. by Act 7 of 1968, section 2, w. e. f. 6-5-1968.

from within any house or building or not, shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to fifty rupees, or with both.]

34-C. Penalty for committing nuisance in public place.—

Whoever in or by the side of or near to any public place, commits a nuisance by easing himself or passing urine, and whoever having the care or custody of any child under seven years of age omits to prevent such child committing a nuisance by easing himself or passing urine, shall be punishable with fine which may extend to fifty rupees.

34-D. Penalty for lighting bonfire, burning straw, discharging fire-arm etc., in or near any public place.— (1) Whoever except at such times and places as the Inspector-General of Police or any person authorised in this behalf by him may allow, in or near any public place lights any bonfire, sets fire to or burns any straw or other matter, discharges any fire-arm or air-gun, lets off or discharges any fire-work, or sends up any fire-balloon or permits such act to be done in premises over which he has control, shall be punishable with fine which may extend to fifty rupees.

(2) In the event of any such act is referred to in subsection (1), being done within any private premises, the person having the immediate control of such premises shall be deemed to have permitted the act, unless he can prove that the act was committed without his knowledge.

34-E. Penalty for drunkenness or riotous or indecent behaviour in public place.—(1) Whoever is found drunk and incapable of taking care of himself or is guilty of any riotous, disorderly or indecent behaviour in any public place, in any place of public amusement, or on board any passenger boat

or vessel, shall be punishable with imprisonment for a term which may extend to one month or with fine which may extend to fifty rupees or with both.

(2) Whoever is guilty of any violent, disorderly or indecent behaviour in any police office or station shall be punishable with imprisonment for a term which may extend to one month or with fine which may extend to fifty rupees or with both.

34-F. Pawnbrokers etc., to report stolen property if tendered for pawn or sale.—(1) Any officer of police may deliver to any pawnbroker, dealer in section hand property or worker in metals, a list of any property believed to have been stolen, and thereupon it shall be the duty of such pawnbroker, dealer or worker as aforesaid upon any article answering the description of any of the property set forth in any such list being offered him in pawn, for sale, or otherwise, to enquire the name and address of the party offering such article, to seize and detain the article, and forthwith to communicate to the nearest police station, the fact of such article having been offered and such name and address as may be given by the party offering it.

(2) Any pawnbroker, dealer or worker who fails, without any reasonable excuse, to comply with the requirements of sub-section (1), shall be punishable with fine which may extend to fifty rupees for every such offence.

(3) A pawnbroker, dealer or worker to whom any such article as is referred to in sub-section (1) is offered may detain the person offering such article, pending the arrival of the police."

¹ [34-G. Prohibition of sale of tickets for admission to an entertainment except under the orders of, and at the place provided and price fixed by the proprietor of the entertainment.—(1) Whoever sells or attempts to sell tickets for admission to a place of entertainment, except under the orders of, and at the place provided and price fixed in this behalf by, the proprietor of the entertainment shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to one hundred rupees or both.

(2) Any Police Officer who takes cognizance of any offence under sub-section (1) may seize any ticket in respect of which he is satisfied that any such offence has been committed.

(3) A court trying any offence punishable under sub-section (1) may, without prejudice to any other or further order or orders that may, in its opinion, be passed in the case, direct the forfeiture of any ticket which may have been seized under sub-section (2).

Explanation.—In this section,—

(a) "entertainment" means any exhibition, performance, amusement, game or sport to which persons are admitted on production of tickets; and

(b) "proprietor" in relation to any entertainment, includes any person responsible for the management of such entertainment".]

1. Ins. by Regulation 2 of 1979, section 2, w. e. f. 9-1-1979.

6. **Insertion of new sections 35-A to 35-C.**—After section 35 of the principal Act, the following sections shall be inserted, namely:—

“35-A. Fee for licence.—For every licence or permission granted under this Act the Inspector-General of Police may levy such fee not exceeding two rupees as may, from time to time, be fixed by the State Government.

35-B. Police Officer may arrest without a warrant on view of offence.—Any Police Officer may arrest without a warrant any person committing in his view any offence made punishable under Sections 29-A, 34-A, 34-B, 34-C, 34-D, [34-E or 34-G.]

35-C. Penalty for breach of conditions of licences.—
(1) For any breach of any of the conditions of a licence granted under this Act, the offender shall be liable on conviction to fine, not exceeding one hundred rupees and such fine may be recovered from the person licensed, notwithstanding that such breach may have been owing to the default or carelessness of his servant or agent in charge of the shop or place.

(2) Any licence granted to a person who is convicted for any breach of any of the conditions of a licence granted under this Act, shall also be liable to be cancelled at the discretion of the Inspector-General of Police.”