

THE POLICE ACT 1861

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THE POLICE ACT

ACT No.V OF 1861

[22nd March, 1861]

An Act for the Regulation of Police

Preamble WHEREAS it is expedient to re-organize the police and to make it a more efficient instrument for the prevention and detection of crime ; It is enacted as follows :-

1. Interpretation-clause. The following words and expressions in this Act shall have the meaning assigned to them, unless there be something in the subject or context repugnant to such construction, that is to say,-

3[the word “Zila Nazim” shall mean an elected person who heads the District Government under the local government law;]

'Section 1(3) of Police Order 2002 States that: It shall come into force at once [Except in Islamabad Capital Territory, it shall come into force at once after the Governor has assumed office in the said territory]

2 This Act has been applied to—

Baluchistan by the British Baluchistan Laws Regulation, 1913 (2 of 1913), s.3; and

Phulera in the Excluded Area of Upper Tanawal to the extent the Act is applicable in the N.W.E.P., subject to the Regulation, 1950.

The Excluded Area of Upper Tanawal other than Phulera— see *ibid.*, and declared to be in force in that area from the 1 June, 1951.

It has been amended in its application to the Punjab by Punjab Act 12 of 1949 , and Punjab Ordinance 3 of 1949.

As to special enactments in force in Bombay and Lower Provinces of Bengal, and extensions of this Act to those Provinces, see the Police Act, 1888 (3 of 1888), s.3.

As to special enactments for Military, Frontier or Rural Police in force in certain parts of the Provinces, etc., see the Police Act, 1888 (3 of 1888), s.3.

As to the creation of special police-district embracing parts of two or more Provinces and the extension to those parts of the Police Act, 1888 (3 of 1888), see the Police Act, 1888 (3 of 1888), s.3.

It has also been extended by notification under article 7(1) (a) of the N.W.E.P. (Enlargement of the Area of the N.W.F.P. Government Order, 1952), see N.W.F.P. Government Order, 1952.

It has also been extended to the Leased Areas of Baluchistan, see the Leased Areas (Laws) Order, 1950 (Gazette of India, 1937, Pt.L, p.1499).

This Act has been amended in its application to the Province of Baluchistan by Baluchistan Act 3 of 1973.

The Act has been amended in its application to Province except the Capital of the Federation and the Special Areas, see the Police Act, 1888 (3 of 1888), s.3.

This Act has further been amended in its application to the Province of West Pakistan by the Police (West Pakistan) Act, 1950 (Gazette of India, 1937, Pt.L, p.1499).

This Act has been extended and shall be deemed to have been so extended to the whole of Pakistan on the 1st June, 1960 (21 of 1960) , s.3 and 2"4 Sch.

3gubs. By C.E.0.7 of 01, Art.2 (w.e.f 148-01).

the word " Magistrate " shall include all persons within the general police-district, exercising all or any of the powers of a Magistrate:

the word " police " shall include all persons who shall be enrolled under this Act :

the words " general police-district " shall embrace any town, village, hamlet, or place, or any part of any town, village, hamlet, or place in which this Act shall be ordered to take effect:

3[* the words "District Police Officer" shall mean the 'District Superintendent' or 'District Superintendent of Police' and 'Capital City Police Officer', appointed by the Provincial Government to head the police force in a district or, as the case may be, in Capital City District notified by the Provincial Government as a general police district."]

word " property " shall include any moveable property, money or valuable security :

4* * % * % * %

the word " person " shall include a company or corporation:

the word " month " shall mean a calendar month:

5the word "cattle" shall, besides horned cattle, include elephants, camels, horses, asses, mules, sheep, goats and swine.

6[References to the subordinate ranks of a police-force shall be construed as references to members of that force below the rank of Deputy Superintendent.]

2. Constitution of the force. The entire police-establishment under a 7[Provincial Government]

8in a general Police district] shall, for the purposes of this Act, be deemed to be one police-force, and shall be formally enrolled; and shall consist of such number of officers and men, and shall be constituted

9Under s.2 of the Police Act, 1888 (3 of 1888), the Central Government may, notwithstanding this provision, declare any town, village, hamlet, or place to be a general police-district for the purposes of this Act, see the N.-W.F.P. Act, 1871 (1 of 1871).

2The word "presidency" omitted by A.O., 1949, Sch.

3 Subs. by C.E.O. 12 of 2001, Art. 2.

4The clauses relating to "number" and "gender" rep. by the Repealing and amending Act, 1914 (10 of 1914). SCF. definition of "cattle" in s.3 of the Cattle-trespass Act, 1871 (1 of 1871).

Ins. By A.O., 1937.

Tsubs. By A.O., 1937, for "LG".

8 subs. & ins. by C.E.O. 7 of 2001, Act. 2 (w.e.f. 14-8-2001).

°See note appended to s.8, infra, as to enrolment of the police-force in certain places.

in such manner, !* * * as shall from time to time be ordered by the [Provincial Government] 3x * * .

4[Subject to the provisions of this Act the pay and all other conditions of service> of members of the subordinate ranks of any police force shall be such as may be determined by the Provincial Government:]

6[Provided that in a general police district notified as City District, the police force shall be organized on functional basis:

Provided further that no recruitment or induction in the police force shall be made except in the {ranks of constable and Assistant Sub-Inspector of Police.]

3.Superintendence in the Provincial Government. The superintendence of the police

throughout a general police-district shall vest in and Tx %* % shall be exercised by the ?[Provincial Government] to which such district is subordinate; and, except as authorized under the provisions of

this Act, no person, officer or Court shall be empowered by the 2/Provincial Government] to 8%supersede or control any police functionary.

4. Inspector-General of Police etc. The administration of the police throughout a general police-district shall be vested in an officer to be styled the Inspector-General of Police, and in such

Deputy Inspectors-General and Assistant Inspectors-General as to the 2[Provincial Government] shall seem fit.

The administration of the police Tin a district shall vest] in a District Superintendent and such Assistant District Superintendents as the [Provincial Government] shall consider necessary.

Q* * * * *

10'5.Relationship of District Superintendent of Police with Zila Nazim, etc.— (1) Subject to the provision of this Act, the District Police Officer shall be responsible to the Zila Nazim for police function under this Act, but shall not include administration of the district police, investigation of criminal cases, and police functions relating to prosecution, which shall rest with the police:

Provided that Zila Nazim may visit a police station to find out if any person is under unlawful detention and in appropriate cases may also direct action in accordance with law having regard to the facts and circumstances of the case.

(2) In case of a difference of opinion between the Zila Nazim and the Provincial Government on any matter concerning the district police, the decision of the provincial Government shall prevail.]

'The words “and the members of such force shall receive such pay” rep. by A.O., 1937.

2Subs. Ibid., for “L.G.”.

3 The words “subject in the case of officers of the Indian Police of and above the rank of Assistant Superintendents .ibid.

>For the Baluchistan Promotion and Appointment Rules, 1952,see Gazette of Pakistan, 1952,Pt. VI,pp.

Ins. added & subs. by C.E.O.7., of 01, Arts..3-5 (w.e.f. 14-8-01).

TThe words “subject in the case of officers of the Indian Police of and above the rank of Assistant Superintendant to the general”
8The word “appoint” rep., *ibid.*

°The sentence “the Inspector-General and other officers above mentioned shall from time to time be appointed by the L.G. and
10 Subs. & ins by CEO. 12 of 01, Act 3-5.

5A. Police support to Government Functionaries, etc.- (1) Any functionary of the Federal Government, Provincial Government, any statutory body or any body or corporation owned, set up or controlled by any such Government or in which such Government has a controlling share or interest, District Government, Tehsil or Town Municipal Administration or

Union Administration, may, for the discharge of his official duties which in his opinion require police assistance, ask for police support from the concerned police authority of the area and such authority shall provide the requisite support:

Provided that, if for any reason, the police authority is unable to provide the police support requested under this sub-section, it shall forthwith bring the matter through its channel of command to the notice of the District Police Officer who shall make arrangement for provision of police support and, where he is unable to provide such support, he shall inform the Zila Nazim accordingly:

Provided further that before making a report to the higher officers, each officer in the chain of command shall make an effort to provide the requisite police support:

Provided also that where any police officer is of the opinion that the request for police support is unnecessary, unlawful or malafide, he shall, through his channel of command, report to the District Police Officer who may seek recourse to the District Public Safety Commission and in that case the decision of the District Public Safety Commission shall prevail.

(2) Where the Zila Nazim so directs, the District Coordination Officer shall be responsible for coordination of police support by the District Police Officer to the District Government, Tehsil Municipal Administration and Union Administration in exigencies threatening law and order, natural calamities and emergencies."

6. [Magisterial powers of police-officers.] Rep. by the Code of Criminal Procedure, 1882 (Act X of 1882).

7. Appointment, dismissal, etc. '[Subject to such rules as the Provincial Government may from time to time make under this Act the Inspector-General, Deputy Inspectors-General, Assistant Inspectors-General and District Superintendents of Police may at any time dismiss, suspend or reduce any police-officer of the subordinate ranks] whom they shall think remiss or negligent in the discharge of his duty, or unfit for the same ;

or may award any one or more of the following punishments to any police-officer 3 of the subordinate ranks] who shall discharge his duty in a careless or negligent manner, or who by any act of his own shall render himself unfit for the discharge thereof, namely :-

(a) fine to any amount not exceeding one month's pay ;

(b) confinement to quarters for a term not exceeding fifteen days, with or without punishment drill, extra guard, fatigue or other duty ;

(c) deprivation of good-conduct pay ;

(d) removal from any office of distinction or special emolument.]

8. Certificates to police-officer.*Every police-officer 5 [appointed to the police-force other than an officer mentioned in section 4] shall receive on his appointment a certificate in the form annexed to this Act, under the seal of the Inspector-General or such other officer as the Inspector-General shall appoint, by virtue of which the person holding such certificate shall be vested with the powers, functions and privileges of a police-officer.

Surrender of certificate.*[Such certificate shall cease to have effect whenever the person named in it ceases for any reason to be a police-officer, and, on his ceasing to be such an officer, shall be forthwith surrendered by him to any officer empowered to receive the same.

A police-officer shall not by reason of being suspended from office cease to be a police-officer. During the term of such suspension the powers, functions and privileges vested in him as a police - officer shall be in abeyance, but he shall continue subject to the same responsibilities, discipline and penalties and to the same authorities, as if he had not been suspended.]

'Subs. *ibid.*, for "the appointment fo all police-officers other than those mentioned in section 4 of this Act s the Inspector-General, Deputy Inspectors General, Assistant Inspector-General, and District Superintend suspend or reduce any police officer".

2The second paragraph of s.7 was subs. For the words "or fine any police-officer to any amount not exce manner, or who, by any act of his own, shall render himself unfit for the discharge therof, by the Police Ac

3Ins. By A.O., 1937.

44s to enrolment, maintenance and discipline of—

(1) The Punjab Frontier Police-officers, see the Punjab Frontier Police officer Regulation, 1893 (7 of 1893)

(2) The Police establishment in municipal areas in the Punjab, see the Punjab Municipal Act, 1911 (Pujab

Ssubs. By A.O., 1937, for "so appointed".

©These two paragraph were subs., for the original paragraph by the Police Act (1861) Amendment Act 1

9. Police-office not to resign without leave or two months notice. No police-officer shall be at liberty to withdraw himself from the duties of his office, unless expressly allowed to do so by the District Superintendent or by some other officer authorized to grant such permission, or, without the leave of the District Superintendent, to resign his office, 'Tunless he shall have given to his superior officer notice in writing, for a period of not less than two months, of his intention to resign.]

10. Police-officers not to engage in other employment. No police-officer shall engage in any employment or office whatever other than his duties under this Act, unless expressly permitted to do so in writing by the Inspector-General.

11. [Police superannuation fund.] Rep. by the Repealing Act, 1874 (XVI of 1874).

12. Power of Inspector-General to make rules. The Inspector-General of Police may, from

time to time, subject to the approval of the ?[Provincial Government], frame such orders and rules as he shall deem expedient relative to the organization, classification and distribution of the police force, the places at which the members of the force shall reside, and the particular services to be performed by them; their inspection, the description of arms, accoutrements and other necessities to be furnished to them ; the collecting and communicating by them of intelligence and information ; and all such other orders and rules relative to the police-force as the Inspector-General, shall, from time to time, deem expedient for preventing abuse or neglect of duty, and for rendering such force efficient in the discharge of its duties.

3 [13. Additional Police officers employed at cost of individuals.—(1) On the application of any person, for the reasons to be recorded in writing, the District Superintendent may, subject to the approval of the Inspector-General, depute any additional number of police officers to keep the peace at any place within the general police district, and for such time as shall be deemed proper.

(2) The additional police officers reffered to in sub-section (1) shall be exclusively under the order of the District Superintendent and the cost thereof shall be borne by person making the application:

Provided that it shall be lawful for the person making the application, on giving one month's notice in writing to the District Superintendent, to require that the police officers so deputed shall be withdrawn; and such person shall be relieved from the cost of such additional force from expiration of such notice.]

14. Appointment of additional force in the neighbourhood of railway and other works. Whenever any railway, canal or other public work, or any manufactory or commercial concern shall be carried on, or

'The words in brackets shall be deemed to have been omitted for so long as the police (Resignaiton of off
2Subs. by A.O., 1937,for "LG".

3subs. by C.E.O. 7 of 01, Art.6 (wef. 14-8-01).

be in operation in any part of the country, and it shall appear to the Inspector-General that the employment of an additional police force in such place is rendered necessary by the behaviour or reasonable apprehension of the behaviour of the persons employed upon such work, manufactory or concern, it shall be lawful for the Inspector-General, with the consent of the [Provincial Government], to depute such additional force to such place, and to employ the same so long as such necessity shall continue, and to make orders, from time to time, upon the person having the control or custody of the funds used in carrying on such work, manufactory or concern, for the payment of the extra force so rendered necessary, and such person shall thereupon cause payment to be made accordingly.

2715.*****],

3 Recovery of money payable 4/s 13 & 14.

17. Special police officers. When it shall appear that any unlawful assembly, or riot or disturbance of the peace has taken place, or may be reasonably apprehended, and that the police-force ordinarily employed for preserving the peace is not sufficient for its preservation and for the protection of the inhabitants and the security of property in the place where such unlawful assembly or riot or disturbance of the peace has occurred, or is apprehended, it shall be lawful for 3[The District Superintendent of Police] to appoint so many of the residents of the neighbourhood as such police-officers may require to act as special police-officers for such time and within such limits as he shall deem necessary ; 3[% >]

18. Powers of special police-officers. Every special police-officer so appointed shall have the same powers, privileges and protection, and shall be liable to perform the same duties and shall be amenable to the same penalties, and be subordinate to the same authorities, as the ordinary officers of police.

3119.*****].

4[20.Authority to be exercised by police-officers. Police-officers enrolled under this Act shall not exercise any authority, except the authority provided for a police-officer under this Act and any Act which shall hereafter be passed for regulating criminal procedure.

'subs. by A.O., 1937,for "LG".

Omitted by C.E.O.7 of 01, Art.7-8 (w.e.f 14-8-2001).

3 Subs. & omitted by C.E.O of 01, Acts 9-11 (wef, 14-08-01).

4For some cases in which the application of s.20 has been restricted, see section 2 of the Punjab Frontie

22. Police-officers always on duty and may be employed in any part of district. Every police-officer shall, for all purposes in this Act contained, be considered to be always on duty, and may at any time be employed as a police-officer in any part of the general police-district.

23. Duties of police-officers. It shall be the duty of every police-officer promptly to obey and execute all [lawful] orders and warrants lawfully issued to him by any competent authority ; to collect and communicate intelligence affecting the public peace ; to prevent the commission of offences and public nuisances ; to prevent sectarianism and hate speech and proliferation of hate material by any person, organized group, any organization or prescribed organization] to detect and bring offenders to justice and to apprehend all persons whom he is legally authorized to apprehend, and for whose apprehension sufficient ground exists : and it shall be lawful for every police-officer, for any of the purposes mentioned in this section, without a warrant, to enter and inspect any drinking-shop, gaming-house or other place of resort of loose and disorderly characters.

24. Police-officers may lay information, etc. It shall be lawful for any police-officer to lay any information before a Magistrate, and to apply for a summons, warrant, search-warrant or such other legal process as may by law issue against any person committing an offence 3* * *,

1125. Police officer to take charge of unclaimed property.—(1) It shall be the duty of every police officer to take charge of all unclaimed property and to furnish an inventory to the District Superintendent of Police who shall send a copy of the inventory to the District Public Safety Commission.

(2) The District Superintendent shall be guided as to the disposal of unclaimed property by the orders of the District Public Safety Commission as may be given by it in this behalf.]

26. [District Superintendent] may detain property and issue proclamation. (1) The ! [District Superintendent] may detain the property and issue a proclamation, specifying the articles of which it consists, and requiring any person who has any claim thereto to appear and establish his right to the same within six months from the date of such proclamation.

‘Omitted, Ins. & Subs. by C.E.0.7 of OL, Arts 12-15 (we.f. 14-8-01).

2subs. by Act No. IV of 2017. s.3(1).

3The words “and to prosecute such person up to final judgment” were rep. by the Code of Criminal Proce

1[(2) The provisions of section 525 of the 2[Code of Criminal Procedure, 1898 (Act V of 1898)], shall be applicable to property referred to in this section.]

3[27. Confiscation of property if no claimant appears.—(1) If no person shall within the period allowed claim such property, or the proceeds thereof, if sold, it may, if not already sold under sub-section (2) of the last preceding section, be sold under the orders of the “[District Public Safety Commission.]

(2) The sale-proceeds of property sold under the preceding sub-section and the proceeds of property sold under section 26 to which no claim has been established shall be >[at the disposal of the Provincial Government]. |

28. Persons refusing to deliver certificate, etc., on ceasing to be police-officers. Every person, having ceased to be an enrolled police-officer under this Act, who shall not forthwith deliver up his certificate, and the clothing, accoutrements, appointments and other necessities which shall have been supplied to him for the execution of his duty, shall be liable, on conviction before a Magistrate, to a penalty not exceeding two hundred rupees, or to imprisonment with or without hard labour, for a period not exceeding six months, or to both.

29. Penalties for neglect of duty, etc. Every police-officer who shall be guilty of any violation of duty or wilful breach or neglect of any rule or regulation or lawful order made by competent authority, or who shall withdraw from the duties of his office without permission, ®for without having given previous notice for the period of two months], 7[or who, being absent on leave, shall fail, without reasonable cause, to report himself for duty on the expiration of such leave,] or who shall engage without authority in any employment other than his police-duty, or who shall be guilty of cowardice, or who shall offer any unwarrantable personal violence to any person in his custody, shall be liable, on conviction before a Magistrate, ®[to imprisonment for a term which may extend to three years and with 0.1 million fine.]

9/30. Regulation of public assemblies and processions and licensing of same.—(1) The District Superintendent or Assistant District Superintendent of Police may, as occasion requires, direct the conduct of all assemblies and processions on the public roads, or in the public streets or thoroughfares, and prescribe the routes by which, and the times at which, such processions may pass.

lins. by the Police Act (1861) Amendment Act, 1895 (8 of 1895), s. 7.

2 Subs. by the Federal Laws (Revision and Declaration) Ordinance, 1981 (27 of 1981), s. 3 and II Sch., f

3 Subs. by Act 8 of 1895, s. 8, for the original section.

4 subs. by C.E.0 7 of 01, Art. 16 (w.e.f. 14-8-01).

5 Subs. by A.O., 1937, for “at the disposal of Govt.”.

© The words in brackets shall be deemed to have been omitted for so long as the Police (Resignation of Tins. by the Police Act (1861) Amendment Act, 1895 (8 of 1895), s. 9.

8subs. by Act IV of 2017 s.3 (2).

° Subs. *ibid.*, s. 10, for the original section.

(2) He may also, on being satisfied that it is intended by any persons or class of persons to convene or collect an assembly in any such road, street or thoroughfare, or to form a procession which would, in [this judgment, if uncontrolled, be likely to cause a breach of the peace, require by general or special notice that the persons convening or collecting such assembly or directing or promoting such procession shall apply for a license.

(3) On such application being made, he may issue a license specifying the names of the licensees and defining the conditions on which alone such assembly or such procession is to be permitted to take place and otherwise giving effect to this section: Provided that no fee shall be charged on the application for, or grant of, any such license.

Music in the streets. (4) He may also regulate the extent to which music may be used in the streets on the occasion of festivals and ceremonies. |

2(30A. Powers with regard to assemblies and processions violating conditions of license.- (1) TA] District Superintendent of Police or Assistant District Superintendent of Police or Inspector of Police or any police-officer in charge of a station may stop any procession which violates the conditions of a license granted under the last foregoing section, and may order it or any assembly which violates any such conditions as aforesaid to disperse.

(2) Any procession or assembly which neglects or refuses to obey any order given under the last preceding sub-section shall be deemed to be an unlawful assembly. |

31. Police to keep order in public road, etc. It shall be the duty of the police to keep order on the public roads, and in the public streets, thoroughfares, ghats and landing-places, and at all other places of public resort, and to prevent obstructions on the occasions of assemblies and processions on the public roads and in the public streets, or in the neighbourhood of places of worship, during the time of public worship, and in any case when any road, street, thoroughfare, ghat or landing-place may be thronged or may be liable to be obstructed.

32. Penalty for disobeying orders issued under last three sections etc. Every person opposing or not obeying the orders issued under 3[section 30, 30A or section 31] or violating the conditions of any license granted by the District Superintendent or Assistant District Superintendent of Police for the use of music, or for the conduct of assemblies and processions, shall be liable, on conviction before a Magistrate, to a fine not exceeding two hundred rupees.

' Subs. & omitted by CE.O. 7 of O1, Arts 17-19 (wef. 14-8-01).

2 Ins. by the Police Act (1861) Amendment Act, 1895 (8 of 1895), s. I.

3subs. by Act No. IV of 2017, s. 3 (b).

11334. Powers to make rules regarding use of street, etc.—(1) In any town or other place in which he thinks fit, the District Superintendent may, from time to time and subject to such order as may have been made by a municipal or other authority empowered in that respect, make rules or orders for—

(a) closing certain streets or places temporarily, in cases of danger from ruinous buildings or other cause, with such exceptions as shall appear reasonable;

(b) guarding against injury to persons and property in the construction, repair and demolition of buildings, platforms and other structures from which danger may arise to passengers, neighbours or the public;

(c) regulating the leading, driving, conducting or conveying of any elephant or wild or dangerous animal through or in any street;

(d) prohibiting the hanging or placing of any cord or pole across a street or part thereof, or the making of a projection or structure so as to obstruct traffic or the free access of light and air;

(e) prescribing certain hours of the day during which ordure and offensive matter or objects shall not be taken from or into houses or buildings in certain streets or conveyed through such streets and during which cattle shall not be driven along the streets or along certain specified streets, except subject to such reasonable regulations as he may prescribe in that behalf;

(f) prohibiting the setting fire to or burning any straw or discharging a firearm or air gun, or letting off or throwing a firework, or sending up a fire balloon in or other matter, or lighting a bonfire, or wantonly upon or within fifty feet of a street or building or the butting up of any post or other thing on the side of or across a street for the purpose of affixing thereto lamps or other contrivances for illumination, except subject to such reasonable regulations as he may prescribe in that behalf;

(g) prohibiting, save under such reasonable regulations as the District Superintendent may impose, the making of any excavation the placing of building materials or other articles, or the fastening or detention of any horse or other animal in any street;

(h) prohibiting, save under such regulation as aforesaid, the exposure or movement in any street of persons or animals suffering from contagious or infectious diseases and the

carcasses of animal or part thereof and the corpses of persons deceased;

(i) setting apart places for the slaughtering of animals, the cleaning of carcasses or hides, the deposit of noxious or offensive matters, and for obeying calls of nature;

' Subs. & omitted by C.E.0.7 & 01, Arts 17-19 (w.e.f. 14-8-01).

(j) in cases of existing or apprehended epidemic or infectious diseases of men or animals, with respect to cleanliness and disinfection of premises by the occupier thereof and residents therein, and as to the segregation and management of the persons or animals diseased or supposed to be diseased, as may be directed or approved by the Provincial Government with a view to prevent the disease or to check the spreading thereof;

(k) directing the closing or disuse, wholly or for certain purposes, or limiting to certain purposes only the use, of any source, supply or receptacle of water and providing against pollution of the same or of the water, therein;

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

(m) regulating the movement of persons, animals and vehicles at such times and such places at which, in the opinion of the District Superintendent, special regulations may be necessary for the public safety and convenience; and

(n) prescribing the number or position of lights to be used on vehicles in streets and the hours between which such lights shall be used.

(2) Every rule or order made under clause (h) or clause (i) with respect to the use of a place for the disposal of the dead shall be made with due regard to ordinary and established usages and to the necessities of prompt disposal of the dead in certain cases; and every rule or order made by the District Superintendent under clauses (c), (e), (f), (g), (h), (i), or (n) shall be published by affixing a copy thereof, in the language of district on some public building in the town or place in which the same is to have operation, and a copy, in the language of the district, of every rule or order made under clauses (a), (b), (j), (x) or (1) shall be kept affixed in a conspicuous spot near to the building, structure, work or place to which the same specially relates.

(3) Every rule promulgated under the authority of clause (j) of sub-section (1) shall be forthwith reported to the Zila Nazim and shall remain in force for not more than fifteen days unless extended by the Zila Nazim.

(4) It shall be the duty of all persons concerned to conform to any order duly made as aforesaid so long as the same shall be in operation.]

34. Punishment for certain offences on roads, etc Power of police of officer. Any persons who, on any road or in any ![open place or] street or thoroughfare within the limits of any town to which this section shall be specially "extended by the 3[Provincial Government], commits any of the following offences, to the obstruction, inconvenience, annoyance, risk, danger or damage of the 4Tresidents or passengers] shall, on conviction before a Magistrate, be liable to a fine not exceeding fifty rupees, or to imprisonment S[with or without hard labour] not exceeding eight days ; and it shall be lawful for any police-officer to take into custody, without a warrant, any person who within his view commits any of such offences, namely:—

First.- Slaughtering cattle, furious riding, etc.-Any person who slaughters any cattle or cleans any carcass; any person who rides or drives any cattle recklessly or furiously, or trains or breaks any horse or other cattle:

Second. -Cruelty to animals. Any person who wantonly or cruelly beats, abuses or tortures any animal:

Third. Obstructing passengers. Any person who keeps any cattle or conveyance of any kind standing longer than is required for loading or unloading or for taking up or setting down passengers, or who leaves any conveyance in such a manner as to cause inconvenience or danger to the public:

Fourth. Exposing goods for sale. Any person who exposes any goods for sale:

Fifth. Throwing dirt into street. Any person who throws or lays down any dirt, filth, rubbish or any stones or building materials, or who constructs any cowshed, stable or the like, or who causes any offensive matter to run from any house, factory, dung-heap or the like:

Sixth.- Being found drunk or riotous. Any person who is found drunk or riotous or who is incapable of taking care of himself:

Seventh.- Indecent exposure of person. Any person who wilfully and indecently exposes his person, or any offensive deformity or disease, or commits nuisance by easing himself, or by bathing or washing in any tank or reservoir not being a place set apart for that purpose:

Eight.- Neglect to protect dangerous place. Any person who neglects to fence in or duly to protect any well, tank or other dangerous place or structure.

I Ins. by Act 8 of 1895, s. 13.

? For list of the towns to which this section has been specially extended, see different Local Rules and O
3 Subs. by A.O., 1937, for "LG".

4 Subs. by Act 8 of 1895, s. 13 for "residents and passengers".

5 Ins. by the Amending Act, 1903 (1 of 1903), s. 3 and II Sch.

[34A. Penalty for contravention of any rule or order made under section 33. Whoever contravenes any rule or order made under section 33A or abets the commission of any such offence shall be punished with fine which may extend to two hundred rupees.

34B. Summary disposal of cases—(1) A Court taking cognizance of an offence punishable under section 34 or section 34 A may state upon the summons to be served on the accused persons

that he—

(a) may appear by pleader and not in person; or

(b) may, by a specified date prior to the hearing of the charge, plead guilty to the charge by registered letter and remit to the Court such sum not exceeding twenty-five rupees as the Court may specify.

(2) The accused person shall, if he pleads guilty to the charge, forward his licence, if any, to the Court with a letter containing his plea in order that the conviction may be endorsed on the licence.

(3) Where an accused person pleads guilty and remits the sum specified and has complied with the provisions of sub-section (2), no further proceedings in respect of the offence shall be taken against him, nor shall he be liable to be disqualified for holding or obtaining a licence by reason of his having pleaded guilty.]

35. Jurisdiction. * * * Any charge against a police-officer above the rank of a constable under this Act shall be enquired into and determined only by an officer exercising the powers of a Magistrate.

'Mins. by C.E.O., 7 of 2001, Art. 21 (w.e.f. 14-08-01).

2 The words "In all cases of convictions under this Act the Officer trying the case shall be limited to his own jurisdiction: Provided that," were rep. by the Code of Criminal Procedure, 1882 (Act 10 of 1882).

31. e., by a Magistrate of the first class, see s. 3 (2) of the Code of Criminal Procedure, 1898 (Act 5 of 1898).

36. Power to prosecute under other law not affected. Nothing contained in this Act shall be construed to prevent any person from being prosecuted under any other Regulation or Act for any offence made punishable by this Act, or from being liable under any other Regulation or Act or any other or higher penalty or punishment than is provided for such offence by this Act:

Proviso. Provided that no person shall be punished twice for the same offence.

1137. Recovery of penalties and fines imposed by Magistrates. The provisions of sections 64 to 70, both inclusive, of the Pakistan Penal Code (XLV _ of 1860), and of sections 386 to 389, both

inclusive, of the 21Code of Criminal Procedure, 1898 , (Act V of 1898)], with respect to fines, shall apply to penalties and fines imposed under this Act on conviction before a Magistrate:

Provided that, notwithstanding anything contained in section 65 of the first-mentioned Code, any person sentenced to fine under section 34 of this Act may be imprisoned in default of payment of such fine for any period not exceeding eight days.

38. [Procedure until return is made to warrant of distress.] Rep. by the Police Act (1861) Amendment Act, 1895 (VIII of 1895), s. 14.

39. [imprisonment if distress not sufficient.] Rep., *ibid*.

40. (Levy of fines from European British subjects.) Rep., *ibid*.u

41. [Rewards to police and informers payable to General Police Fund.] Rep. by the 34.0, 1937.

442. Limitation of actions. All actions and prosecutions against any person, which may be lawfully brought for anything done or intended to be done under the provisions of this Act, or under the general police-powers hereby given shall be commenced within three months after the act complained of shall have been committed, and not otherwise ;

and notice in writing of such action and of the cause thereof shall be given to the defendant, or to the District Superintendent or an Assistant District Superintendent of the district in which the act was committed, one month at least before the commencement of the action.

Tender of amends. No plaintiff shall recover in any such action if tender of sufficient amend shall have been made before such action brought, or if a sufficient sum of money shall have been paid into Court after such action brought, by or on behalf of the defendant, and, though a decree shall be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant, unless the Judge before whom the trial is held shall certify his approbation of the action:

' Subs. by the Police Act (1861) Amendment Act, 1895 (8 of 1895), s. 14, for the original ss. 37 to 40.

2Subs. by the Federal Laws (Revision and Declaration) Ordinance, 1981, (27 of 1981), s. 3 and II Sch., f

3 See however, paragraph 4 of the India and Burma (Transitory Provisions) Order, 1937. Section 41 read rewards, forfeitures and penalties or shares of rewards, forfeitures and penalties which by law are payable the General Police Fund.

4So much of s. 42 (the portion printed in italics) as relates to the limitation of suit was rep. by the Indian L

Proviso. Provided always that no action shall in any case lie where such officers shall have been prosecuted criminally for the same act.

43. Plea that act was done under warrant. When any action or prosecution shall be brought or any proceedings held against any police-officer for any act done by him in such capacity, it shall be lawful for him to plead that such act was done by him under the authority of a warrant issued by a Magistrate.

Such plea shall be proved by the production of the warrant directing the act, and purporting to be signed by such Magistrate and the defendant shall thereupon be entitled to a decree in his favour, notwithstanding any defect of jurisdiction in such Magistrate. No proof of the signature of such Magistrate shall be necessary, unless the Court shall see reason to doubt its being genuine:

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

44. Police-officers to keep diary. It shall be the duty of every officer in charge of a police--station to keep a general diary in such form as shall, from time to time, be prescribed by the 'Provincial Government] and to record therein all complaints and charges preferred, the names of all persons arrested, the names of the complainants, the offences charged against them, the weapons or property that shall have been taken from their possession or otherwise, and the names of the witnesses who shall have been examined.

2x * * * * *

45. Provincial Government may prescribe form of returns. The 'Provincial Government] may direct the submission of such returns by the Inspector-General and other police-officers as to such '[Provincial Government] shall seem proper, and may prescribe the form in which such returns shall be made.

' Subs. by A.O., 1937, for "LG".

2 omitted by C.E.0.7 of 01, Art. 22 (wef. 14-8-01).

"146. Scope of Act.- (1) This Act shall not by its own operation take effect in any Pn province or place. But the [Provincial Government] by an order to be published in the [official Gazette] may extend? the whole or any part of this Act to any one province or place, and the whole or such portion of this Act as shall be specified in such order shall thereupon take effect in such 2* province or place.

(2) When the whole or any part of this Act shall have been so extended, the @[Provincial Government] may, from time to time, by notification in the official Gazette, make rules consistent with this Act—

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

(b) to prescribe the time, manner and conditions within and under which claims for compensation under section 15A are to be made, the particulars to be stated in such claims, the manner in which the same are to be verified, and the proceedings (including local enquiries if necessary) which are to be taken consequent thereon ; and

(c) generally, for giving effect to the provisions of this Act.

(3) All rules made under this Act may from time to time be amended, added to or cancelled by the 6TProvincial Government].]

7147, Authority of district Superintendent over village police. It shall be lawful for the

6[Provincial Government] in carrying out this Act into effect in any part of the Province to declare that the authority over village watchman or other village police officer for the purposes of police shall be exercised by the District Superintendent of Police.]

Subs. by the Police Act (1861) Amendment Act, 1895 (8 of 1895), s. 15 for the original section.

? The original word and comma "presidency," omitted by the Central Laws (Statute Reform) Ordinance, 1 In the Province of Sind there is a special Police Act, see the Bombay District Police Act, 1890 (Bom. 4 of

For notification extending this Act under the power conferred by the original section to:

(i) Several district in the Punjab, see notification no. 971, dated 15" May, 1861 Calcutta Gazette, 18!" May For list of Provinces and District to which the Act has been extended by special enactments, see foot-note

3subs. by A. O., 1937, for "G.G.in C".

4 Subs. ibid., for "Gazette of India".

5 For extension of all the provisions of this Act (V of 1861) to-

(i) certain district in West Pakistan, see Gazette of West Pakistan 1955, Ext., p. 60;

(ii) the districts of Kalat, Kharan, Lasbella and Mekran, see Gazette of West Pakistan, 1959, Ext. p. 297.

For order extending section 34 of this Act to-

(i) the Municipal limits of Haveli Wasavewala, see Gazette of West Pakistan, 1957, Pt. I, p. 493.

(ii) The limits of Towns of Shadipalli, Jamesabad, Somaro and Pithoro in Tharparkar District, see Gazette (ii) the limits of Town in the Khairpur District, viz, Khairpur, Gambat and Ranipur, see Gazette of West Pa

Subs. by A.O., 1937, for "LG".

Tsubs. by C.E.O. 12 of 01 Arts. 6-8.

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48. District Public Safety Commission, its establishment, composition, etc.- (1) In every district, the Provincial Government shall, by notification in the official Gazette, establish a District Public Safety Commission consisting of eight, ten or twelve members depending upon the size of the district.

(2) Half of the members of the District Public Safety Commission shall be elected by the Zila Council from amongst its councillors on the basis of each councillor casting only one vote in favour of any one candidate through secret ballot, while the other half of the members, hereinafter to be called the 'independent members', shall be appointed by the Chief Executive of the Province from a list of persons recommended by the selection panel under sub-section (3) of section 50:

Provided that, as far as practicable, one-third of both the elected and independent members of the District Public Safety Commission shall be women:

Provided further that until the appointment of independent members, the members elected by the Zila Council shall constitute the District Public Safety Commission.

(3) The Nab Zila Nazim shall request the Chairperson of the selection panel to conduct the election of the members of the District Public Safety Commission referred to in sub-section (2).

(4) The tenure of the District Public Safety Commission shall, unless dissolved earlier under sub-section (5), be three years:

Provided that, notwithstanding the expiry of its tenure, the District Public Safety Commission shall continue to perform its functions until the constitution of its successor.

(5) Where the performance of District Public Safety Commission is found unsatisfactory, the Zila Council may, by a resolution passed by two-thirds majority of its total membership, recommend the dissolution of the District Public Safety Commission to the Provincial Government which shall, within fifteen days, decide either to retain the District Public Safety Commission or dissolve it and, where it is decided to dissolve the District Public Safety Commission, the Provincial Government shall reconstitute the District Public Safety Commission in accordance with the foregoing provisions within forty-five days from such decision

1149. Selection panel for the appointment of independent members.- There shall be a selection panel for the independent members consisting of District and Sessions Judge who shall be its Chairperson and one nominee each of the Chief Executive of the Province and Zila Nazim:

Provided that such nominees shall not be elected representatives or public servants.".]

' subs. by CEO. 12 of 01 Act 6-8.

50. Procedure for Selection of independent members.- 11"(1) The selection panel shall invite applications and nominations from the general public for selection of independent members."];

(2) The eligible and willing candidates shall be called for interview.

(3) The [District] shall select double the number of persons than the number of independent members to be appointed as members of the commission.

(3A) The selection of independent members shall be by consensus.

(3B) The selection process of the independent members shall be completed within thirty days."

(4) The list of the persons referred to in sub-section (3) shall, accompanied by complete particulars of such persons, be forwarded to the Chief Executive of the Province for appointment of the independent members under section 48.

51. Selection criteria. - (1) No person shall be selected or appointed as independent member who is activist of any political party, holds or has held any representative office or has remained public servant in the last two years immediately preceding his appointment or who is otherwise disqualified under the provisions of sub-section (2).

(2) A person shall be disqualified, from becoming a member if -

(a) he is of unsound mind and has been so declared by a competent court; or

(b) he is or has been declared as bankrupt, loan defaulter or tax evader; or

(c) he 'Tis not a | citizen of Pakistan; or

(d) he holds an office of profit in the service of Pakistan; or

(e) he is in the service of any statutory body or any establishment or corporation which has been established or is owned or controlled by the Government or in which

the Government has a controlling share or interest; or

(f) he has been dismissed, removed or compulsorily retired from the service of Pakistan on grounds of misconduct; or

(g) he has been convicted for any offence; or

(h) he is not of impeccable integrity and proven professional competence in such fields as social work, law, administration, education, corporate sector, Tor],

'lj has no personal interest or conflict of interest in any matter pending before the District Public Safety Commission.].

'subs. by CEO 12 of 01, Arts. 6-8.

152, Establishment of Capital City District Public Safety Commission.- The Provincial Government shall establish a Capital City District Public Safety Commission for the Provincial Capital City District consisting of twelve members.

2. Three members of the Capital City District Public Safety Commission shall be elected by the Zila Council from amongst its councilors on the basis of each councillor casting only one vote in favour of any one candidate through secret ballot, while three members shall be nominated by the Speaker of the Provincial Assembly, two from the Treasury and one from the Opposition, in consultation with the Leader of the House and the Leader of the Opposition:

Provided that where the Provincial Assembly is not in existence, the Chief Executive of the Province shall nominate three members of the Capital City District Public Safety Commission on behalf of the Provincial Assembly

3. The remaining six members, hereinafter to be called the "independent members" shall be appointed by the Chief Executive of the Province from a list of persons recommended by the selection panel for the Capital City District under sub-section (3) of section 50

4. As far as practicable, one-thirds of both the elected and Independent members of the Capital City District Public Safety Commission shall be women.

5. The appointment of members of the Capital City District Public Safety Commission shall be notified in the official Gazette.

6. The provisions of sections 48 to 58 relating to the District Public Safety Commission shall, mutatis mutandus, apply to the Capital City District Public Safety Commission."

53. Capital City District Selection Panel for the, appointment of Independent members.- (1)
There shall be a Capital City District Selection Panel for the preparation of the list of the persons for appointment as independent members consisting of Chief Justice of the High Court who shall be its

Chairperson, and one nominee each of the Chief Executive of the Province and Zila Nazim who shall not be holder of any elective office nor shall be a public servants.

2. The selection for independent members shall be by consensus.

3. The selection process shall be completed within thirty days.

54. Procedure for selection of independent members.- The procedure provided under sections

50 and 51 shall be applicable for selection of the names of the independent members of the Capital City District Public Safety Commission.

! Subs. by C-E.O.12 of 01, Art.12.

54A. Responsibility of District Police Officer on complaints of neglect and excesses by police.- (1) Where the Zila Nazim on the basis of any complaint or information has reason to believe that any police official has committed an act of neglect, failure or excess, or the Union Public Safety Committee on its own motion or on receipt of a complaint from an aggrieved person reports to the Zila Nazim about police neglect, failure or excess, the Zila Nazim may direct the District Police Officer to take remedial measures, including registration of First Information Report in appropriate cases, within the period specified by him and inform the District Public Safety Commission.

(2) The District Police Officer or the concerned competent authority shall immediately take remedial measures, and may suspend the concerned official where necessary, initiate an inquiry and take appropriate action in accordance with law.

(3) The District Police Officer shall, without delay, inform the Zila Nazim and District Public Safety Commission of the action taken by him pursuant to the directions given under section (1) and forward a copy of the final report of inquiry within forty-five days of such directions."

55. Functions of the District Public Safety Commission. — (1) The functions of the District and Capital City District Public Safety Commission shall be to-

'(a) direct the District Police Officer, where the District Public Safety Commission has reason to believe that the officer in-charge of the police station has unjustifiably refused or avoided to register any First Information Report, to conduct an inquiry into the matter and cause the registration of the First Information Report under section 154 of the Code of Criminal Procedure, 1898 (V of 1898), if any cognizable case is made out from the allegations of the complainant and report to the District Public Safety Commission within forty-eight hours the action taken by him.

| Subs. by CE.O.12 of 01, Art.12.

(b) direct the District Police Officer to take action and report in accordance with the provisions of section 54, where any public grievance is brought to its notice about any neglect or excess by the police in general or any functionary of the police, and if —

(i) such report is not made or appropriate action is not taken within the period specified by the District Public Safety Commission; or

(ii) such report or action taken, after ascertaining further facts, is found unsatisfactory,

the District Public Safety Commission may refer the matter to the Provincial Government and Inspector-General of Police for appropriate action;

(c) refer the matter in writing to the Provincial Government for appropriate action where the District Public Safety Commission is satisfied that a collusive relationship detrimental to the interest of the people exists between the Zila Nazim and the District Police Officer:

Provided that before making such report the District Police Officer and the Zilla Nazim

shall be given an opportunity to be heard in person to explain their respective positions;

(d) provide recourse to District Police Officer for reporting against any unlawful or malafide order or request for police support from any authority received by him or any officer subordinate to him and give a decision thereon which shall prevail;

(e) approve an annual local policing plan prepared by the District Police Officer in consultation with Zila Nazim setting out the arrangements for the policing during the year :

Provided that such policing plan shall include-

(i) a statement of the financial resources expected to be made available by the Provincial Government and local governments; and

(ii) performance targets for the year and their delivery mechanism;

(f) evaluate the delivery of performance targets on quarterly basis and send half-yearly reports to Zila Nazim, Tehsil Nazim, Union Nazim, Provincial Government and Inspector General of Police;

(g) receive from the District Police Officer by the end of August each year, a general report on the policing of the district during the previous year; and

(h) seek to enhance police-public co-operation by facilitating the creation of Citizen-Police Liaison Committees.".]

(2) The Commission may recommend financial incentives for good work done by any police officer.

(3) The Commission may, subject to rules establish independent reporting centres for registration of First Information Reports.

1155A. Meetings and conduct of business by the District Public Safety Commission.- (1) The members of the District Public Safety Commission shall, annually, elect from amongst themselves a Chairperson alternating between independent and elected members.

(2) In the absence of the Chairperson for any reason, the members present in the regular convened meeting shall elect from amongst themselves a Chairperson for such meeting.

(3) The business of the District Public Safety Commission shall be conducted by it in its meetings.

(4) Quorum for the District Public Safety Commission shall be two-thirds of its total membership.

(5) The decision of the District Public Safety Commission shall be taken by a simple majority.

(6) The District Public Safety Commission may with the prior approval of the Provincial Government make rules of procedure for discharge of its functions.]

56. Terms of members of the Commissions. - (1) The term of the independent members of the District and Capital City District Public Safety Commission shall be four years:

Provided that no independent member shall be appointed for a second term.

(2) Independent members may be entitled to travelling and daily allowance as may be prescribed.

1[57.- Removal of members.- The Chief Executive of a Province may remove a member of the District Public Safety Commission from office, if he —

(a) ceases to be a citizen of Pakistan;

(b) is found suffering from physical or mental incapacity or illness;

(c) is guilty of misconduct;

(d) is found to have dealt with any matter in which he had a personal interest or conflict of interest;

(e) is convicted of a criminal offence;

(f) is declared a bankrupt, loan defaulter or tax evader;

(g) is involved in activities prejudicial to the ideology, interest, security, unity, solidarity, peace and integrity of Pakistan and its people, and the good order and harmony of society; or

(h) brings the District Public Safety Commission into disrepute; or

(i) fails to attend three consecutive meetings of the District Public Safety Commission without any reasonable cause."].

58. Secretariat.- The ![Provincial Government] shall provide the Secretariat of the ! [District Public Safety Commission] headed by a full time officer not below BS 17 and such staff as it may deem appropriate.]

Ins & subs. by C.E.O. 12 of 01, Arts. 13-15.

FORM

(See section 8)

A.B. has been appointed a member of the police-force under Act V of 1861, and is vested with the powers, functions and privileges of a police-officer.

' subs.added by C.E.O 7 of 01 Act 23-24 (w.e.f. 14-08-01).

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