

THE POLICE (ORISSA AMENDMENT) ACT, 1976

(Orissa Act 5 of 1976)

[w.e.f. 18-2-1976]

1. *Substitution*—In its application to the State of Orissa for section 15 A of the Police Act, 1861 (Act V of 1861), the following section shall be substituted, namely :

“15A.—*Awarding compensation to sufferers from misconduct of inhabitants of any area*—(1) If 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 part 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, being guilty of such misconduct or failure ;

(b) declare the person, 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 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 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 1. — 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”.

THE POLICE (ORISSA AMENDMENT) ACT, 1976

(Orissa Act 34 of 1976)

[w.e.f. 10-8-1976]

1. *Substitution*—After section 34 of the Police Act, 1861 (V of 1861), the following section shall be substituted, namely—

“34-A—Punishment for unauthorised sale of tickets for admission to a place of entertainment :—

(1) Any person who 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 which may extend to one thousand rupees or with both.

(2) If any person is convicted for any second or subsequent offence under sub-section (1) he shall be punishable with imprisonment for a term which shall not be less than twenty-one days but which may extend to one year and shall also be punishable with fine which may extend to one thousand rupees.

(3) Any police officer not below the rank of Sub-Inspector may take into custody without warrant, any person

who, within his view, commits any offence punishable under sub-section (1) or seize any ticket in respect of which he is satisfied that any such offence has been committed.

(4) A court trying an offence under sub-section (1) or under sub-section (2) 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 (3).

Explanation—In this section—

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

(b) the expression “proprietor” in relation to any entertainment includes any person responsible for the management of such entertainment.
