

No.U5/59529/2010

Police Headquarters,
Kerala, Thiruvananthapuram
Dated: 23/09/2011

CIRCULAR NO. 30/2011

Sub:- Kerala Public Ways (Restriction of Assemblies and (Processions) Act 2011 (Act 9 of 2011) – instructions – issued.

Ref:- 1. Govt. Notification No.3756/Leg E1/2011 law dated, 18.02.2011.
2. G.O (Rt) No.716/2011/Home dated, 01.03.2011.

The Kerala Public Ways (Restrictions of Assemblies and Processions) Act 2011 (Act 9 of 2011) has come into force on 18.02.2011.

2. Section 3 of the Act specifies that the public will have the right to unobstructed movement by vehicles on carriage ways and on foot along footpaths. Section 4 of the Act prohibits obstruction of public ways by any business, or assembly or meeting or procession or demonstration.

3. As per Section 5 of the Act, the District Police Chief is empowered, for a period not exceeding twenty four hours in any particular area, to grant exemption from the provisions of Sec 3 and 4 for all or any of the following purposes:-

- a) for the conduct of customary religious or national festivals, and festivals of social, cultural or public importance declared as such by the District Magistrate;
- b) for the security of the State or individuals;
- c) for the conduct of public assemblies or meetings; and
- d) for the conduct of public demonstrations and processions.

For getting the exemption, the organizers have to apply to the District Police Chief at least seven days in advance for a licence and with a fee specified by the government. The time limit is relaxable for good and sufficient reasons. As per G.O (Rt) No.716/2011/Home dated, 1.03.2011 Government have fixed ₹ 100/- per day as the licence fee. No licence fee shall be levied for the conduct of festivals and for the imposition of restrictions which are required to be done for the purpose of security.

4. The responsibilities of the District Police Chief regarding issue of licence are as specified in section 5(4) of the Act. The District Police Chief shall, after due consideration of the application, publish a notice regarding the nature, duration and other details of the restrictions imposed on the right of the public. Such notices shall specify alternative routes or facilities available to the public for the duration of the

obstruction. The District Police Chief should deploy such Police strength in the area, free of cost or partly or fully at the cost of the licensees, as may be decided by the District Police Chief (having regard to the public importance of the event and subject to such guidelines as may be issued by Government from time to time) for maintaining public order, catering to emergencies and mitigating the difficulties to the public. The District Police Chief shall issue the licence imposing such conditions in the licence, as he may deem just and reasonable. This must be done to ensure maximum convenience and safety to the public which is possible under the circumstances. The District Police Chief shall not permit any erection of any structure on any public way unless it is allowed in writing by the appropriate authority of the department in charge of the upkeep and maintenance of the particular public way.

5. The District Police Chief shall not be deemed to be compelled to permit any demonstration or procession or assembly or meeting or festival, where he is satisfied that for considerations of public safety, convenience or security, such activity cannot be allowed. The District Police Chief may extend the duration of restrictions imposed under section 5 (1) to fifteen days with the concurrence of the District Magistrate and for a period of more than fifteen days with the concurrence of the Government.

6. All offences under this Act shall be cognizable and bailable and the offences shall be compoundable by a Judicial Magistrate having jurisdiction to try the offence. Nothing in this Act shall apply to a funeral procession or any action undertaken by the public or any member or group thereof in good faith to prevent danger arising from any natural or man made calamity, disaster or accident.

7. As per section 8 of the Act, the District Police Chief may, with the approval of the Government, delegate any of his powers under this Act to an officer not below the rank of Sub Divisional Police Officer within his jurisdiction. As the Government has not issued orders delegating the powers of District Police Chief so far, the District Police Chief will be the authority for maintaining the Act in his jurisdiction at present.

8. The District Police Chief will maintain a proper register for granting/rejecting such licences in his jurisdiction.

State Police Chief

To

All District Police Chief, for necessary action.
Addl. Directors General of Police, Zones/Crimes
All Range Inspectors General of Police & IGP (Traffic)

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