



**POLICE COMMISSIONERATE  
BHUBANESWAR-CUTTACK  
BHUBANESWAR**

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**COMMISSIONER'S ORDER NO.01/2017.**

**Sub: Obtaining of Indemnity Bond to maintain peace and to pay compensation in lieu of damage to any public or private property in course of rally procession, assembly, dharana etc.**

At present C.O.No.5 of 2008(Use of Loudspeakers, Explosive Fireworks), C.O.No.7 of 2008 (Conduct of behaviour of Processions and Assemblies etc.) and C.O.No.7 of 2010 (License to Registered Music Parties with prefixed sound limiters for marriage procession to avoid noise pollution) are in force. In accordance with actionable point No.36 of directives imparted during the last DGsP/IGsP Conference held at Hyderabad from 25.11.2016 to 27.11.2016 communicated to this office vide Fax/Email No.3672/POL/SB dated 10.04.2017, there is need to obtain Indemnity Bond from the organisers/office bearers of registered associations applying for license to hold Rally, Procession, Assembly, Protest, Dharana etc. to maintain peace & to pay compensation in lieu of damage to any public or private property in course of such rally, procession, assembly, protest, dharana etc.

In spite of the above C.Os. in vogue, it is seen conditions of license issued from time to time to the organisers are at variance. In order to maintain uniformity in the conditions of license with regard to Rally, Procession, Assemblies, Protest, Dharana etc. it is now considered expedient to issue fresh C.O. introducing

prescribed application form, license format and Indemnity Bond to adopt while granting license for the above purpose which would form part of this C.O.

By virtue of powers conferred on the undersigned under section-29 of Orissa Urban Police Act, 2003 (Orissa Act 8 of 2007) read with section 4 of Orissa Fire Works & Loud Speaker (Regulation) Act, 1958 and Regulation 56 & 59 of Bhubaneswar-Cuttack Police Commissionerate (Traffic & Public Order) Regulations, 2008, Noise Pollution (Regulation & Control) Rules, 2000, the undersigned hereby issue the further terms and conditions to be included in the license granted by the DCsP of Cuttack and Bhubaneswar UPDs as per Sec.29 of OUP Act 2003 who are already delegated with the powers to issue license vide C.O.No.5 of 2008.

1. The organisers/office bearers of registered Associations applying for license to hold Rally, Procession, Protest, Dharana etc. shall make their application as per prescribed format in **ANNEXURE-1**.

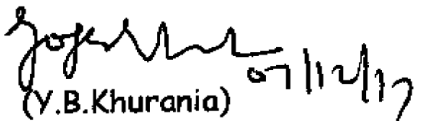
2. The DCsP of Cuttack and Bhubaneswar UPD shall issue license for the above purpose on receipt of Rs100/- and Rs200/- towards license fee and use of loudspeaker per day respectively as prescribed in Regulation 62 of Bhubaneswar-Cuttack Police Commissionerate (Traffic & Public Order) Regulations, 2008.

3. Prior to issue of license, DCsP of Cuttack and Bhubaneswar UPD shall ensure to obtain Indemnity Bond from organisers/office bearers of registered Associations in the form prescribed in **ANNEXURE-2** to maintain Peace & to pay compensation in lieu of damage to any public or private property in course of such Rally, Procession, Protest, Dharana etc. The Indemnity Bond shall be duly executed in Non-judicial Stamp paper of Rs100/ as required in Article.34 and Article.57 of Indian Stamp (Orissa Amendment) Act. The cost of Non-judicial Stamp paper shall be borne by the organisers/office bearers of registered Associations.

4. The DCsP of Cuttack and Bhubaneswar UPD shall then only issue License in prescribed form in ANNEXURE-3.

5. The DCsP of Bhubaneswar and Cuttack UPD while granting license shall strictly adhere to the terms and conditions stipulated in C.O.No.5 of 2008, C.O.No.7 of 2008 and C.O.No.7 of 2010 in addition to and not in derogation to the terms and conditions made herein.


6. This order shall come into force with effect from 1<sup>st</sup> day of January, 2018.

  
(Y.B.Khurania) 07/12/17  
Commissioner of Police  
Bhubaneswar-Cuttack

**Memo No. 1178/C.P.Judicial**

**Date: 07.12.2017**

1. Copy to DCsP of Bhubaneswar and Cuttack UPD for information and necessary action please.
2. Copy to all Zonal ACcP of Police Commissionerate of Bhubaneswar and Cuttack for information and necessary action please.
3. Copy to all IsIC of Police Commissionerate of Bhubaneswar and Cuttack for information and strict implementation please.
4. Copy to P.R.O, Police Commissionerate of Bhubaneswar and Cuttack with a request to circulate the above order among all print and electric media for the information of general public.
5. Copy to Inspector, Programming for uploading the order in the Police Commissionerate website [bhubaneswarcuttackpolice.gov.in](http://bhubaneswarcuttackpolice.gov.in) for the information of general public.
6. Copy to Guard File.

  
(Y.B.Khurania) 07/12/17  
Commissioner of Police  
Bhubaneswar-Cuttack

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Address- Bidyut Marg, Bhubaneswar, PIN-751001

[Tel:0674-2530035](tel:0674-2530035)/[FAX:0674-2530001](tel:0674-2530001)

**ANNEXURE-1**

**Application Form for License/Permission for Rally, Procession, Protest,  
Dharana etc.**

1.	Name & address of the applicant with Land line Telephone/ Mobile Phone No. and proof of identity such as Adhar Card/Voter Card/Pan Card/Driving License etc.	
2.	Name of the Organisation with Regd. No. & designation of the Applicant in their Organisation along with copy of certification of Registration.	
3.	Date, time and duration of Rally, Procession, Protest, Assemblies, Dharana etc.	<b>Date &amp; Time:</b> <b>Duration:</b>
4.	Place and Route of Rally, Procession, Protest, Assemblies, Dharana etc.	
5.	Total number of participants in the Rally / Procession / Protest, Assembly Dharana etc. (Number of women likely to participate be indicated separately)	
6	Whether loudspeaker is to be used or not.	

7.	Previous antecedent of violence (if any) giving rise to damage of private or public property.	
8.	Details of payment of License Fee.	

### **Declaration**

I the above named applicant do here by declare that the information furnished by me is true and I shall observe all the terms and conditions of license/permission for the purpose for which such license/permission will be granted and further I for myself and for and on behalf of all the office bearers and members of our Organisation undertake that participants of our organisation shall not resort to violence in any manner nor shall cause any damage to any public or private property nor injury/ death to a person or persons in course of such Rally, Procession, Protest, Dharana etc. in any manner.

### **Signature of the Applicant**

**Place:**

**Date:**

**Indemnity Bond to maintain peace and to pay compensation in lieu of damage to any public or private property in course of protest etc.**

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**THIS INDEMNITY BOND** is made and executed at Bhubaneswar/Cuttack etc. on this \_\_\_\_\_ day of \_\_\_\_\_ (month) \_\_\_\_\_ (year) by \_\_\_\_\_ aged about \_\_\_\_\_ years Son/daughter of \_\_\_\_\_ resident of \_\_\_\_\_, P.S. \_\_\_\_\_ Dist. \_\_\_\_\_ at present President /Secretary of \_\_\_\_\_ (name of the Organisation) at \_\_\_\_\_ .P.S. \_\_\_\_\_ Dist. \_\_\_\_\_ which expression shall unless repugnant to the context or meaning thereof be deemed to include him, his successor and his/their heirs, executors, administrators and legal representatives) of the First Part **here in after called as the applicant.**

**AND**

**IN FAVOUR OF:**

**DCP, Bhubaneswar/Cuttack UPD**, which expression shall unless repugnant to the context or meaning thereof include his/her successors and assigns of the Second Part.

**WHEREAS**, the first party has applied for License/Permission for Rally, Procession, Protest, Dharana etc.;

**AND**

**WHEREAS**, there is need to execute an Indemnity Bond to maintain peace, prevent damages to public/private properties and death, injury to person(s) and to pay compensation in lieu of damage if any to any public or private property in course of protest etc.;

**NOW, THEREFORE, THIS INDEMNITY BOND WITNESSETH as under:**

1. That the applicant hereby expressly declares and undertakes that he and all the members of his organisation/Association shall follow the terms and conditions of the License/Permission for Rally, Procession, Protest, Dharana etc. scrupulously and to maintain absolute peace during the time of such Rally, Procession, Protest, Dharana etc.
2. That the applicant for himself and on behalf of all the members of his Organisation/Association further undertakes and declares that the rally or procession shall not enter into area where prohibitory order under section 144 Cr.P.C. has been promulgated by the competent authority.
3. That the applicant for himself and on behalf of all members of his Organisation/Association further undertakes that he/she or any member of his/her organisation/Association or any other participant shall not resort to any violence during the time of Rally, Procession, Protest, Dharana etc. and further undertakes not to cause any damage to public/private property and death, injury to any person or persons.
4. That, the applicant for himself and on behalf of all members of his/her Organisation/Association further undertakes and declares that he along with all the members of his/her Organisation/Association shall be bound by the principles of absolute liability to pay compensation as per market value of public/ private property in the event of damage on account of violence during Rally, Procession, Protest, Dharana etc. and further declare that the applicant along with all members of his/her Organisation/Association shall be subject to criminal prosecution.
5. That the applicant for himself and on behalf of the organisation/association and all its members further undertakes and declares that the amount of compensation in lieu of damage to any public or private property in course of protest etc. shall be recovered from him and/or from the organization and/or from all the members of

such Organisation/Association if the said amount of compensation is payable to Government as public demand. The applicant for himself and on behalf of all members of his/her Organisation/Association further declares that the immovable and movable property standing in his name and in the name of such organisation/association and all members of his/her Organisation/Association shall be liable to attachment and confiscation for recovery of compensation money.

6. The terms and conditions of the indemnity bond shall apply Mutatis Mutandis to the individual applicant for License/Permission for Rally, Procession, Protest, Dharana etc.

**IN WITNESS WHEREOF**, the First Party has signed this Bond at the place and on the day, the month and the year first written above in the presence of the following witnesses:

Signature of the First Party

Signature of the Second Party

WITNESSES:

1.

2.

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**Note:**

\* Strike out which is not applicable.

\* The Indemnity Bond shall be executed on Non-Judicial Stamp paper of Rs100/- (Rupees One hundred) only.



### ANNEXURE-3

#### **LICENSE FOR RALLY, PROCESSION, ASSEMBLIES, PROTEST, DHARANA ON OR ALONG STREETS ETC.**

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By virtue of powers conferred on the undersigned under Section-29 and Sub-Section 2 of Section 8 of Orissa Urban Police Act, 2003 (Orissa Act 8 of 2007), read with section 4 of Orissa Fire Works & Loud Speaker (Regulation) Act, 1958 and Regulation 56 & 59 of Bhubaneswar-Cuttack Police Commissionerate (Traffic & Public Order) Regulations, 2008 read with C.Os. No.5,7 of 2008 and 7 of 2010 of Commissioner of Police, Bhubaneswar-Cuttack, license is hereby granted for Rally, Procession, Assemblies, Protest, Dharana Etc. on or along streets within the areas of Commissionerate of Police, Bhubaneswar-Cuttack to regulate the use of loud speaker in order to avoid noise pollution, to maintain Peace & to pay compensation in lieu of damage to any public or private property, and as per details below, on the following terms and conditions:

1.	Name & address of the applicant with Land line Telephone/ Mobile Phone No:	
2.	Name of the Organisation with Regd. No. & designation of the Applicant in his/her Organisation along with copy of certification of Registration.	
3.	Date, time and duration of Rally, Procession, Assemblies, Protest, Dharana etc.	<b>Date &amp; Time:</b> <b>Duration:</b>

4.	Place and Route of Rally, Procession, Assemblies, Protest, Dharana etc.	
5.	Number of participants permitted to attend the Rally, Assembly, Procession, Protest, Dharana etc.	
6.	Whether permitted to use loudspeaker or not.	Yes/No

### TERMS & CONDITIONS

1. That the rally shall not enter into area where prohibitory order under section 144 Cr.P.C. has been promulgated by the competent authority.
2. That the Rally, Assemblies, Procession, Protest, Dharana etc., shall originate and terminate at specified place, move on the route specified and strictly adhere to the timings indicated in the license without obstructing the free flow of traffic. After elapse of the duration of time herein granted if such Rally, Assemblies, Procession, Protest, Dharana etc. continues to operate, the undersigned reserves the right to declare the said Rally, Assembly, Procession, Protest, Dharana etc. as unlawful and would take action as per law.
3. That the rally or procession shall move in a disciplined and orderly manner in one portion of the road and shall not cause any obstruction whatsoever to passersby or moving traffic or establishments/houses located by the side of the road.
4. That there shall not be any show of force by aggressive gesture by pelting of stones, brickbats, setting on fire of the tyres , exhibition of weapons

like knife, sword, lathi, scepter, iron rod, bow & arrow, gun etc. during rally or procession or at the place of assembly/meeting or dharana.

5. That during the rally/ procession or/and at the place of assembly/meeting or dharana, there shall be no inflammatory speech or provocative sloganeering or display of placard/poster etc. which could incite communal, caste, ethnic violence etc.

6. That the applicant shall use only one funnel for sound system in rally, or procession or at the place of assembly/meeting or dharana and care should be taken to see that use of such sound system does not disturb public peace and tranquility in any manner and strictly comply to the conditions of such use specified in the license.

7. That the provisions of Noise Pollution (Regulation & Control) Rules, 2000 and the order of the Hon'ble Supreme Court, restricting sound output of loudspeaker to the extent of 65 dB and stipulations of Commissioner's Order No.7/2010 shall be strictly followed as far use of loudspeaker during rally is concerned.

8. That in the interest of clean environment and in order to avoid pollution, the licensee hereby undertakes to keep the road, place of assembly/dharana area covered under the license clean and shall not throw/stack waste articles like plastic pouch/bottle/paper plates/ boxes and waste food etc. along the road side or at the place of assembly/dharana.

9. That sufficient drinking water should be arranged during rally or procession or at the place of assembly/meeting or dharana etc.

10. That detail of fee deposited with the Public Health Department etc. for supply of drinking water for the participants of the rally/procession etc. and

details of user fee paid to Municipal Corporation / Municipality / Notified Area Council etc. for removal of garbage etc. shall be intimated to the Licensing Authority at least 12 hours before the scheduled programme.

11. That the licensee shall ensure that parking of vehicle(s) used by the organisation or by their members or participants is done in an orderly manner at the designated parking place so as to avoid congestion and inconvenience to others.

12. In accordance with the order of Hon'ble Supreme Court of India, the licensee shall ensure that the rally or procession passes peacefully by remaining personally present and shall employ their marshals/sufficient numbers of volunteers along with the rally/procession at each relevant junction to maintain peaceful march.

13. That in case of any emergency, public exigency or unavoidable circumstances, the Licensing Authority reserves the right to cancel the license in advance or at the spot without assigning any reason thereof which the licensee must abide.

14. That in case of necessity, a Police Officer of and above the rank of Inspector of Police may issue oral or written order at the spot, as the occasion demands, to regulate and control the movement of rally/procession and use of loudspeakers which must be complied by the licensee.

15. That in case of any deviation or violation of the terms and conditions, the permission so granted shall stand automatically cancelled and the organizers of the rally shall also be liable for prosecution or imposition of fine by compounding of offences under appropriate provisions of Orissa Urban Police Act, 2003, Orissa Fire-Works and Loudspeakers (Regulation) Act, 1958 and Home

Department Notification No.1833-PDA-II/2008-D&A dated 15.01.2009, published in Extraordinary Orissa Gazette No.64 dated 16.01.2009.

16. That the license shall be produced for inspection on demand by a Police Officer of and above the rank of Inspector Police.

17. That the licensee undertakes that neither he nor any member of his organisation/Association including office bearers and participants shall resort to violence causing damage/injury to any public or private property or person in course of such Rally, Procession, Protest, Dharana etc. and further undertakes to maintain Peace & to pay compensation in lieu of damage to any public or private property etc.

18. That the terms and conditions stipulated in the Indemnity Bond executed by the licensee with the DCP, Bhubaneswar-Cuttack as the case may be shall form part of this license.

Dy. Commissioner of Police,  
Bhubaneswar/ Cuttack.

I/We do hereby declare that I/We have gone through the terms and conditions of the license and having understood the same I/We acknowledge the receipt of the copy of the license and hereby agree to abide by the same.

Signature of the licensee with date