



S U P P L E M E N T
TO THE
BOMBAY GOVERNMENT GAZETTE.

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PROCEEDINGS OF THE LEGISLATIVE DEPARTMENT, BOMBAY.

The following Report of the Select Committee of the Council of the Governor of Bombay for the purpose of making Laws and Regulations, together with the Bill as altered by them, is published for general information :—

Report of the Select Committee on the Bill for the Regulation of the District Police in the Presidency of Bombay.

The Committee report that, while they fully concur in the general principles of Police Administration laid down in the Bill, they would recommend several alterations of language, arrangement, and detail, in order either to make the meaning clearer or to bring the provisions of the Bill into more complete harmony with the existing Laws on the subject of Criminal and Police Administration.

In Section III. line 1, they have made some verbal alterations which will bring the language of the Bill into close accordance with that of the Code of Criminal Procedure, and which appear on other grounds unobjectionable.

Making Section IV. as it originally stood, Clause 1. of the amended Draft, the Committee have made a few verbal alterations for the sake of greater distinctness, and have added the provision "These Officers shall be appointed and removed by the Governor in Council alone." With a view to provide the requisite securities for the appointment and removal of the higher grade of subordinate Police Officers, the Committee have added a second Clause, applicable to Police Thanadars, the effect of which will be at once obvious on perusal.

Section VI. of the original Draft the Committee have struck out, as a provision that cannot properly be considered as falling within the purview of a Bill for the administration of the Police.

Section VIII. Clause 1. has been subjected to several verbal alterations so as to make its purport more definite, and a Proviso has been added securing to the defaulter ordered to be removed to his Native District the right of appeal conferred by Section 409 of the Penal Code.

In Clause 2 of the same Section the Committee have thought it proper to guard against the arbitrary expulsion of Foreigners from the Districts of the Bombay Presidency, by providing that this can only take place under the express orders of Government, upon a special Report of the Police Commissioner. The requisite variations have been made in the wording of Clause 3.

By the changes made in Section IX., while the authority of the Magistrate to adopt milder measures of precaution than imprisonment in cases of default to furnish security is preserved,

the defaulter is allowed the option of preventing further interference by furnishing the required Security whenever he may be prepared to do so.

Section X. Clause 1. appeared to the Committee to be somewhat too loosely worded for an enactment which conveyed a summary and rather anomalous jurisdiction. This defect has been remedied, and the responsibility of the inhabitants of a village for the offences of the village Police has been made to depend on their participation in the delinquency. Any relaxation of vigilance and activity on the part of the Police themselves has been guarded against by the addition of a Proviso to Clause 2, that the special measures of this Section shall not free them from the penalties of misconduct provided by the Penal Code, Sections 202, 221, and 223.

Section XII. has been subjected to some changes of expression which appear to adapt it better to the circumstances of this Presidency, and at the same time to make it clearer and more definite. The proceedings originally prescribed as to be taken by the Magistrate of the District may, under the amended Draft, be taken by any Officer vested with the full powers of a Magistrate. The vast size of some of the Districts of this Presidency makes this change necessary, as in seeking the Magistrate of the district to remonstrate against a harsh or needless order, a villager might have to traverse 200 or 300 miles, a hardship which the Committee would be loath to inflict if it can possibly be avoided, except in proved and flagrant cases of delinquency. The penalty has been reduced from two to one month, according to the analogy of the Penal Code, Section 188.

In considering Section XIII. it appeared to the Committee desirable to divide it into two Clauses, in order to mark better the distinction between the distraint of his property, the remedy intended to be given against a defaulting tax-payer, and the penal infliction of imprisonment in the Criminal Jail reserved for those who fail to pay fines legally inflicted.

Section XIV. has been made more effective by imposing the duty of keeping standard weights and measures in each instance upon a particular officer.

The substantial alterations in Section XV.* consist in the division of the Police into those of superior and inferior grades, the appointment and dismissal of the former resting primarily with the Commissioner, while the latter are to be appointed by the Superintendent, and dismissed also by him, subject only to the approval of the Commissioner. Clause 2 of this Section has been expunged, as it appeared to clash with the intention of Section 145 of the Code of Criminal Procedure.

Section XVII.† has been altered so as to make a Police Officer's dismissal without superannuation allowance depend on his own misconduct or neglect of duty.

Any unnecessary or careless use of the powers conferred on the Magistrate of the District by Section XVIII. has been guarded against by the addition of a provision that every exercise of these powers shall be forthwith reported to the Commissioner.

The powers given by Section XXIII. to the superior Officers of Police in common with the Patels, have been extended to the Thanadars. Instead of the provision in the latter part of the Section, it has been thought sufficient to declare that every person duly called on to render assistance to the Police shall be bound to render such assistance, as failure will then subject the offender to the severer punishment of Section 187 of the Penal Code.

In Section XXVI., besides slight verbal alterations in Clauses 1 and 3, the time for the appearance of a person claiming property found by the Police has been reduced from six to two months. The owner's right to the proceeds of the sale, it will be observed, still subsists as before for a year.

Section XXVIII. is intended to guard generally against misconduct and abuse of their authority by the Police in cases less serious than those contemplated by the Penal Code. Offences which subject Police Officers to the penalties of the latter enactment will of course be dealt with under it, and in this view the Committee have expunged the last six lines of Section XXVIII. as superfluous.

In Section XXXI. the power of interfering with customary processions and ceremonies has been confined to the Magistrate of the District.

With regard to Section XXXIII. the Committee observe that the term of imprisonment to be awarded in commutation of the fine of Rs. 200 is prescribed by Section XXXIX., and that cases which, though falling within the operation of this Section, subject the offender also to the provisions of the Penal Code, may still be dealt with under that enactment by Section XXXVIII. of the Bill.

* Section XIV. in amended Draft.

† Section XVI. in amended Draft.

To Section XXXVI. the Committee have added a Clause providing for the removal of rank vegetation whenever sanitary considerations and the indifference or ignorance of villagers require the interference of the Magistrate for this purpose.

Section XXXVII. is a provision which experience has shown to be useful and necessary. But as masters not unfrequently provoke by their own violence the misconduct of their servants, a Proviso has been added which deprives them in such cases of the penal remedy ordinarily applicable.

To Section XXXIX. an addition has been made, regulating the terms of imprisonment awardable in commutation of fines, according to the scale laid down in the Penal Code. As the Code of Civil Procedure makes no provision for the payment of money into Court in Suits for damages, the form of expression in Section XLI. has been changed without excluding the defendant from the benefits of a timely tender of amends.

Section XLII. has been modified so as to allow a defendant under it to sustain his plea of justification by proof of an order orally given as well as by the production of a written order from his superior Officer.

Under Section XLIII. a definition of "Police Station" has been introduced. This appears necessary for the purposes of the Code of Criminal Procedure as well as for those of the present Bill.

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Bombay, 15th December 1862.

A Bill for the Regulation of the District Police in the Presidency of Bombay.

Whereas it is expedient to consolidate certain portions of former Police Regulations, and to establish other Regulations for the administration of the Police of the Presidency of Bombay; It is enacted as follows:—

I. Clause 1.—The following portions of Regulations of the Bombay Code are hereby repealed—

Of Regulation XII. of 1827, Section I., in as far as it applies to the Zillah Magistrate.

Clause 1 of Section III., in as far as it relates to the Police functions of the Zillah Magistrate.

Section IV., in as far as it extends to Assistant Collectors in charge.

Clause 4 of Section X.

Clauses 1, 6, 7, and 8, of Section XIX.

Section XX.

Clause 2 of Section XXVII.

Section XXX.

Clause 4 of Section XXXI.

Section XXXVII.

Section XL.

Of Regulation V. of 1830, Clause 4 of Section II.

Of Regulation VIII. of 1831, Section I.

Clause 2.—Section X. of Act XXVI. of 1850 is hereby repealed so far as it affects any Town or Suburb under the Presidency of Bombay.

And of Section II. of Act XXVIII. of 1852. **Clause 3.**—Section II. of Act XXVIII. of 1852 is hereby repealed.

II. The administration of the Police throughout the whole or any portions of the Districts of the Bombay Presidency shall be vested in one or more Commissioners, as may seem fit to the Government of Bombay, and the said Commissioners shall, subject to the orders of Government, have authority to frame such rules and issue such instructions as they may, from time to time, deem expedient for preventing abuse or neglect of duty, and for rendering the Police Force efficient in the discharge of its duties.

III. When no other Officer may have been specially appointed by Government to be Magistrate of a District, the Collector or the Officer exercising or in charge of the duties of Collector, in any District, shall have the general control and charge of the administration of the Police of that District.

IV. *Clause 1.*—Subject to the general

Subject to control of Magistrate of the District, administration of Police in such District to be vested in a District Superintendent and Assistant District Superintendents.

control and direction of the Magistrate of the District, the administration of the Police in each District shall be vested in an Officer who shall be styled District Superintendent of Police, and

such other Officers to be styled Assistant District Superintendents of Police, as the Government of Bombay shall consider necessary. These Officers shall be appointed and removed by the Governor in Council alone.

Clause 2.—Subordinate to the District Superintendent and Assistant Superintendent of Police, there shall be other Police Officers, to be styled Police Thanadars, who shall have charge of Police Stations: and these Officers shall be appointed and removed by the District Superintendent of Police, subject to the confirmation of the Commissioner of Police.

V. The Government of Bombay may vest

Powers of District Superintendent and Assistant District Superintendents of Police.

any District Superintendent, or Assistant District Superintendent of Police, with all or any of

the powers of a Magistrate, within such limits as the Governor in Council may deem proper; but unless specially deputed in any case by the Magistrate of the District, such Officers shall exercise the powers with which they shall be so invested only so far as may be necessary for the preservation of the peace, the prevention of crime, and the detection, apprehension, and detention of offenders, in order to such offenders being brought before a Magistrate for the taking and recording of evidence, and for the trial and punishment of their subordinates for offences cognizable under Sections XXVIII. and XXIX. of this Act, and otherwise so far as may be necessary for the performance of the duties assigned to them by this Act.

VI. It shall be the duty of every Magis-

Apprehension of Deserters from Her Majesty's Military Service.

trate to issue a warrant for the apprehension of any Deserter from Her Majesty's Military Service, who may be within his local jurisdiction, and such Deserter, when apprehended, shall be forthwith forwarded in custody to the nearest Military Station.

VII. *Clause 1.*—If in any District any

Security for good conduct of persons not being Natives or British-born subjects.

person not being a Native thereof or a British-born subject, having been required according to law

to furnish security for his good conduct, shall fail to furnish the same, it shall be lawful for the Magistrate of the District to order that he

be forwarded in custody to the Magistrate of

the District of which he is a Native, and such Magistrate shall forthwith take such measures as may be legal and requisite, whether for the release or for the further detention of the defaulter. Provided that nothing in this Clause shall affect any right of appeal otherwise secured to the said defaulter.

Clause 2.—If the Defaulter be not a Na-

tive of any District of Bombay Presidency in the direction of their Native country, the Police Commissioner shall make a special report of his case to Government, and under the orders of the Governor in Council, he may be detained in custody, or released, or permitted to reside in any particular Districts of the Bombay Presidency, or be forwarded in custody in the direction of his Native country as far as the frontier of the said Presidency, and there

and there discharged. To be furnished with a document, he being furnished with a document, he, the defaulter, has been permitted to return to

his home, and further notifying that, in the event of his being again found in any District or Districts from which he is thus removed, he, the said defaulter, will be liable to the punishment provided in the next Clause of this Section.

which shall be issued by the Magistrate making the original order. The said document shall be issued and registered by the Magistrate originally requiring the security, and shall be endorsed and registered by the Magistrate of each district through which the defaulter may be forwarded.

Clause 3.—Any person removed in the

manner prescribed by the preceding Clauses Punishment for returning without permission to Districts from whence removed.

who shall return, without permission from the authority by whose order he was removed to any District or Districts from which he shall have been so removed, shall be liable to the punishment of imprisonment of either kind for a period not exceeding six months, or to fine not exceeding Rupees (50) fifty, or to both.

Magistrate may recall order of removal. Provided that the order of removal may be recalled by the authority issuing the same when satisfied that the circumstances which rendered it necessary no longer exist.

VIII. When it may appear to Magistrate

Magistrate may direct persons who fail to furnish security to attend at certain places at stated times, or to be kept under inspection of the Patel of their village, and prevented leaving certain limits without a written permit.

that a measure less harsh than imprisonment will suffice in any case of default to furnish security for good behaviour, it shall be lawful for him, unless the persons from whom he has legally demanded security furnish

the same to direct their attendance at certain places at stated times, or that they be kept under the inspection of the Patel of their village or other trustworthy persons, and prevented from leaving certain limits without a written permit ;

Punishment for breach of orders issued under this Section.

and any breach of orders issued under this Section shall, on conviction before a Magistrate, be punishable by imprisonment of either description not exceeding six months, or by fine, or by both.

IX. Clause 1.—When robbery has been committed within the boundary of a village, or the perpetrators of a robbery have been satisfactorily traced thereto, and neglect or connivance is proved against the inhabitants or any portion of

Inhabitants of a Village when liable to a fine after robbery committed within its boundary, or perpetrators of a robbery traced thereto, and neglect or connivance proved against them.

the inhabitants of the said village, including the Village Police Establishment, with regard to prevention, detection, or apprehension, it shall be competent to any Officer with the powers of a Magistrate to exact, after summary investigation, from the inhabitants of the said village or any said portion of the inhabitants including the Village Police, a fine not exceeding the value of the property lost, the whole or part of which may be awarded in compensation to the owner, according to the degree of caution and activity which he may have evinced or as the occasion may require.

Clause 2.—A fine imposed under this Section shall, if not paid as ordered be levied by the Collector in the same manner as Revenue demands according to the assessment of the Magistrate imposing it. Provided that nothing in these Clauses shall prevent any proceeding according to law against the members of the Village Police Establishment for neglect of duty or misconduct in the execution of their office.

X. It shall be lawful for Officers vested with the powers of a Magistrate to promulgate, with a view to ensure the comfort and convenience of the public, and the preservation of order, rules respecting dhurmsallas, liquor-shops, public wells and tanks, streets, roads, and generally all places of public resort, and any breach of such Rules shall be punishable on conviction before a Magistrate with a fine not exceeding 50 Rupees, or with imprisonment not exceeding eight days, or with both.

Punishment for breach thereof.

Rules respecting Dhurmsallas, Public Wells and Tanks, Roads, all places of Public resort, &c., may be promulgated by Officers vested with Powers of a Magistrate.

XI. Whenever any Officer, vested with the powers of a Magistrate, may consider the construction, repair, or alteration of any house, outhouse, shed, or other building prejudicial to the safety or lawful rights of the public, or whenever he may consider the construction or neglect of any drain likely to occasion injury to a tank or public reservoir, by reason of its vicinity thereto, or to be prejudicial to the general health or convenience, it shall be lawful for such Magistrate to issue an order in the manner prescribed by Section 308 of the Code of Criminal Procedure, and thereupon such proceedings shall be had under the authority of the said

Proceedings thereupon. Magistrate as are provided for in the aforesaid and following Sections of the said Code.

XII. Clause 1.—On the requisition of the Commissioners of any town or suburb into which Act XXVI. of 1850, or similar enactment, shall have been introduced, or of any of their officers duly authorised, any Magistrate having local jurisdiction in

On Requisition of Commissioners of any Town into which Act XXVI. of 1850 has been introduced, Magistrate may enforce payment of penalties and arrears of Taxes leviable under the said Act.

such town or suburb, shall enforce payment of all arrears of taxes leviable under the said Act, by warrant to levy the amount thereof by distress and sale of any property of the defaulter which may be found within the said Magistrate's local jurisdiction.

Clause 2.—On any requisition of such Commissioners or their Officers as aforesaid in relation to any penalty legally inflicted under the said Act, such Magistrate shall enforce payment of the same in the manner aforesaid. And if property to the amount of the penalty be not found, it shall be lawful for such Magistrate to sentence the defaulter, in commutation of such penalty or portion thereof, to simple imprisonment not exceeding one month.

XIII. Every Magistrate having local jurisdiction shall, at his Head Quarters, keep standards of weights and measures for retail dealings throughout the District: and every one shall be at liberty, on application, to have access thereto for the purpose of examination or comparison.

Standards of retail weights and measures to be kept at head-quarter station of every Magistrate having local jurisdiction.

Standards of weights and measures for retail dealings throughout the District: and every one shall be at liberty, on application, to have access thereto for the purpose of examination or comparison.

XIV. *Clause 1.*—Besides the Officers mentioned in Sects. II., III., and IV. of this Act, the Police Force in each District, of whom it shall consist.

Police Force in each District shall consist of Officers of such numbers and denomination of superior and inferior grades as the Government shall from time to time direct; and the

Appointment and dismissal of Police Officers. appointment and dismissal of such Police Officers

of superior grade shall rest with the Commissioner, but the Commissioner may delegate his authority on this behalf to the District Superintendent subordinate to him, who may also, under the control of the Commissioner,

Punishment of Police Officers careless or negligent in discharge of their duty. suspend, reduce, or fine to any amount not exceeding one month's pay, any Police Officer

of either of the grades aforesaid, who shall be careless or negligent in the discharge of his duty. The appointment of Police Officers of the inferior grade shall rest with the District Superintendent of Police, who may also dismiss such Officers subject to the approval of the Commissioner.

XV. No Police Officer shall be at liberty

No Police Officer to withdraw from his duties without leave. to withdraw himself from the duties of his office unless expressly allowed

to do so by the District Superintendent or other officer authorised to grant such permission; or without the leave of the District Superintendent to resign

his office, unless he shall have given a written notice of not less than two months of his intention to resign.

XVI. There shall be deducted from the

Pay of certain Police Officers to be deducted at such rate as Government shall direct, not greater than one anna in the Rupee. pay of every Police Officer, of a class not entitled to the benefit of the Uncovenanted Service Pension Rules, a sum after such rate as Government

shall direct, not exceeding one anna in the Rupee. The sum so deducted, together with the amount of any saving from the stoppages from

the pay of Police Officers during absence from sickness or other cause, and of fines imposed on Police Officers for misconduct, and on other persons for assaults upon Police Officers, and any money arising from the sale of worn or cast-off clothing, or other articles supplied for the use of the Police, or from any other source which may be authorised by Government, shall, from time to time, be invest-

to be invested, and the interest and dividends accumulated to form a fund to be called "The Police Superannuation Fund."

shall not be required for the purposes herein mentioned, shall be likewise invested as aforesaid, and accumulate so as to form a Fund, to be called "The Police Superannuation Fund," and shall be applied from

Application of such Fund. time to time, to the payment of superannuation or retiring allowances

or gratuities, under such rules as may be passed by Government: Provided that any Police Officer may be dismissed or removed for misconduct or neglect of duty without a superannuation allowance, or gratuity, and that no Police Officer so removed shall be entitled as of right to any allowance from the said Fund, or shall retain any right to a refund of any deduction made from his pay while he shall have been a Police Officer.

XVII. The employment of the Police of

When Police of one District may be employed within the limits of another. one District within the limits of another District shall be lawful when authorised by the Police

Commissioner, or on an emergency by the Magistrate of the District to which they belong, a report being made by him forthwith to the aforesaid Commissioner.

XVIII. If on any emergency the available

If on an emergency Police Force insufficient to quell riot, &c., Magistrate of the highest authority on the spot may apply to Commanding Officer of nearest Military Post or Station for Military aid. Force of Police be found insufficient to quell riot or other serious disturbance of the public peace, it shall be lawful for the Magistrate of highest authority on the spot to apply to the Commanding

Officer of the nearest Military Post or Station for Military aid to quell the disturbance by force of arms.

XIX. Whenever any railway, canal, or

Employment of additional Police Force when required by behaviour or reasonable apprehension of behaviour of persons employed on any Railway, Canal, or other Public Works, or in any Manufactory or Commercial concern. other public work, or any manufactory or commercial concern, shall be carried on, or be in operation in any part of the country, and it shall appear to the Commissioner 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 Commissioner, with the consent of Government, to depute such addi-

tional 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.

XX. It shall be lawful for a Commissioner of Police, with the sanction of Government, to be notified by proclamation in the *Government Gazette*, and in such other manner as Government may direct, to employ any Police Force in excess of the ordinary fixed complement of the District to be quartered in any part of a District which shall be found to be in a disturbed or dangerous state, or in any place or part of a District in which, from the conduct of the inhabitants, he may deem it expedient to increase the number of Police. The inhabitants of the place or part of the country described in the Notification shall be charged with the cost of such additional Police Force, and the Magistrate of the District, after inquiry, if necessary, shall assess the proportion in which the amount is to be paid by the inhabitants according to his judgment.

XXI. All moneys payable under the last two preceding Sections on account of any additional Police Force employed as therein directed, shall be recoverable on the requisition of the Magistrate by the Collector, in the same manner as sums due for Land Revenue; and the moneys paid on this account, or so recovered, shall be credited to Government.

XXII. It shall be lawful for a Magistrate or District Superintendent, or Assistant District Superintendent of Police or Police Thanadar or for the Police Patel of any Village to call upon any person within his jurisdiction to assist the Police in regard to the preservation of the peace and apprehension of offenders; and every such person shall be bound to render such assistance.

XXIII. *Clause 1.*—Every Police Officer shall, for all purposes in this Act contained, be considered to be always on duty, and shall promptly obey and execute all orders and

warrants lawfully issued to him by competent authority, and shall collect and communicate intelligence affecting the public peace, and the temper, health, and general condition of the community; prevent the commission of offences and public nuisances; detect and bring offenders to justice, and apprehend all persons whom he is legally authorised 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, to enter without a warrant and inspect any drinking shop, gaming house, or other place of resort of loose and disorderly characters.

Clause 2.—Every Police Officer shall be authorised to seize all such instruments or other articles as he shall have good reason to believe are kept for unlawful purposes; and such instruments and articles shall be disposed of as the Magistrate of the District may direct.

XXIV. When from distance or other sufficient reason it is impossible for a Police Officer having an accused person in custody to obtain within twenty-four hours such a special order as is contemplated in Section 152 of the Code of Criminal Procedure; and when the Police Officer shall deem the detention of the accused person in custody for a longer period than twenty-four hours necessary for the proper investigation of the case, he shall forward to the Magistrate having jurisdiction the short despatch prescribed in the aforesaid Section, and may retain the accused person in custody pending receipt of the Magistrate's reply.

XXV. *Clause 1.*—It shall be the duty of every Police Officer to take charge of all unclaimed property which if not otherwise disposable under Act III. of 1857, or other enactment, he shall deliver to the Patel of the village, taking a receipt for the same, which he shall forward to the nearest Magistrate having local jurisdiction, and the Magistrate shall issue orders to the Patel for the disposal of the property.

Clause 2.—The Magistrate may either direct the Patel to detain the property or desire him to forward it to the Magistrate, who, in either case, shall issue a proclamation specifying the articles of which it consists, and requiring any person having any claim thereto to appear and

establish his right within two months from the date of such proclamation.

Clause 3.—If such property be not claimed within the period allowed it may be sold under the orders of the Magistrate of the District, and the proceeds thereof shall be at the disposal of Government, liable to the claim of any one who shall establish his right thereto within one year from the date of notice.

XXVI. Every person having ceased to be

Every person ceasing to be a Police Officer, and not delivering up his Clothing, Accoutrements, &c., liable, on conviction, to Penalty not exceeding Rupees 200, or to imprisonment not exceeding six months, or to both.

a Police Officer who shall not forthwith deliver up his 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 labor, for a period not exceeding six months, or to both:

XXVII. Every Police Officer who shall

Police Officers guilty of violation of duty, &c. &c.

be guilty of any violation of duty or of wilfully breaking any rule or regulation, or of disobeying any lawful order or of other similar misconduct requiring punishment greater than that authorised under Section XV., or who shall withdraw from his duty without permission or without having given two months' previous notice, or who shall be guilty of cowardice, or who shall maliciously and without probable cause prefer any false, vexatious, or frivolous charge or information against an individual, or who shall knowingly and wilfully, and with evil intent exceed his powers, or who shall in taking any person into custody subject him to unnecessary

Liable on conviction to penalty not exceeding 3 months' pay or to imprisonment not exceeding 3 months, or to both.

hardships shall be liable, on conviction before a Magistrate vested with powers not less than those of a Subordinate Magistrate of the 1st Class, to a penalty not exceeding three months' pay or to imprisonment of either kind for a period not exceeding three months, or to both.

XXVIII. Any Police Officer who shall on

Police Officer taking any fee, gratuity, or recompense, other than what they may be authorised to take, liable on conviction to penalty not exceeding 6 months' pay, or to imprisonment not exceeding 6 months, or to both.

any pretext directly or indirectly take or receive any fee, gratuity, gift, or recompense other than he may be duly authorised to take or receive, shall, on conviction before a Magistrate vested with powers not less than those of a Subordinate Magistrate of the First Class, be liable to a penalty not exceeding six months' pay, or to imprisonment of either kind not exceeding six months, or to both.

XXIX. Any Police Officer who shall directly or indirectly extort, exact, or obtain any bribe either unauthorised reward or consideration, by any illegal threat, or pretence, or for doing or omitting or delaying to do any act which it may be his duty to do or to cause to be done; or for withholding or delaying any information which he is bound to afford or to communicate, or who shall cause bodily or mental fear for any unjust purpose, or who shall attempt to commit any of the offences aforesaid, shall be liable upon conviction before any Officer vested with the powers of a Magistrate, to a fine not exceeding twelve months' pay, or to imprisonment of either kind not exceeding twelve months, or to both.

Or of an attempt to commit the same, liable on conviction to a fine not exceeding 12 months' pay, or to imprisonment not exceeding 12 months, or to both.

not exceeding twelve months' pay, or to imprisonment of either kind not exceeding twelve months, or to both.

XXX. Any Magistrate, District Superintendent or Assistant District Superintendent of Police may, as occasion requires, direct the conduct of any assembly or procession on the public roads, or in public places and thoroughfares, and prescribe the routes by which, and the times at which such processions may pass. They may also regulate the use of music in the streets on the occasion of festivals and ceremonies: Provided always that the Magistrate of the District alone shall have power absolutely to prohibit beforehand any procession which may be considered a breach of the laws of decency, or to be objectionable from any other cause.

Magistrate, &c. may direct conduct of any assembly or procession on the Public Roads, Places, and Thoroughfares.

Prescribe the routes thereof,

And regulate the use of music in the streets on festivals and ceremonies.

Power of prohibiting procession vested in Magistrate of the District alone.

be objectionable from any other cause.

XXXI. It shall be the duty of the Police to keep order on the public roads, and in the public streets, thoroughfares, ghauts, and landing places, and at all other places of public resort, and to prevent obstructions on public roads, and in public thoroughfares.

Police to keep order on Public Roads, Ghauts, &c. and prevent obstructions on public roads and in public thoroughfares.

XXXII. Every person disobeying any orders given under the last two preceding Sections shall be liable on conviction before a Magistrate to a fine not exceeding two hundred rupees.

Persons disobeying orders issued under two last preceding Sections liable, on conviction, to a fine not exceeding Rs. 200.

XXXIII.—Nothing in the three preceding

The three preceding Sections not to interfere with general control of Magistrate of the District over matters therein referred.

Sections shall be deemed to interfere with the general control of the Magistrate of the District over the matters referred to therein.

XXXIV.—Any person who, in any town,

Persons in any town, suburb or other place causing obstruction, damage, &c. to residents or passengers, liable, on conviction, to a fine not exceeding Rs. 50, or to imprisonment not exceeding 8 days.

suburb, or other place in which there is a Magistrate resident, or a Municipal Commission legally constituted, or in any town, suburb, or other place, or on or close to any public road to which town or road the operation of this Section shall be specially extended by order of the Government of Bombay, shall offend as follows, so as to cause obstruction, inconvenience, annoyance, risk, danger, or damage to residents or passengers, shall, on conviction before a Magistrate, or before a legally appointed Board of Municipal Commissioners, be liable to a fine not exceeding fifty Rupees, or to imprisonment not exceeding

Police Officer may take into custody without warrant any person so offending.

eight days; and it shall be lawful for any Police Officer to take into custody without a warrant any person so offending; that is to say—

Wantonly beating, &c. any Animal.

1. Any person who wantonly and cruelly beats, ill-uses, or tortures any animal.

2. Any person who bathes or washes in, or otherwise defiles or causes to be defiled, any well, tank, or reservoir, so as to render it less fit for any purpose for which it is set apart.

Bathing in, or defiling, any tank or reservoir.

3. Any person who, on any road or public thoroughfare, recklessly or furiously rides, drives, trains or breaks, or leaves insufficiently tended or secured, any horse or other cattle, or keeps any cattle or conveyance of any kind standing longer than is necessary after receipt of warning to remove; or who unauthorisedly deposits for sale or otherwise any goods; or who throws or lays down, except in appointed places, any dirt, filth, or rubbish.

Recklessly riding, driving, training, breaking, or leaving insufficiently secured, any horse or other cattle.

Unauthorisedly depositing for sale any goods.

Throwing or laying down dirt, filth, or rubbish, except in appointed places.

4. Any person who, on or close to, and within sight of any public street, passage, or thoroughfare, slaughters any cattle, or cleans any carcass or hide, or wilfully and indecently exposes his person or any offensive deformity, or disease; or commits nuisance; or who is, from intoxication, riotous, disorderly, or incapable of taking care of himself; or who is found gambling or abetting the same.

Slaughtering cattle on, or within sight of, any public street.

Indecently exposing the person, or any offensive deformity or disease.

Committing nuisance, Or being, from intoxication, riotous, disorderly, Or incapable of taking care of himself; Or found gambling or abetting the same.

Clause 1.—Any person who, on any public thoroughfare, constructs any booth, shed, stable, or the like, or lays down any stones or building material, or who, within the limits of any town or village, causes to accumulate any offensive matter in cesspools, dungheaps, or the like, so as to cause annoyance to the neighbouring residents or to passengers; or who causes any offensive matter to issue on to any public thoroughfare from any house, factory, stable, privy, or the like; or who deposits the bodies of dead animals, or refuse or filth of any description either in channels, which in the rainy season feed any tank or reservoir set apart for drinking, or in other places where to deposit such is offensive to the community.

Clause 2.—Whenever the removal of prickly pear or other vegetation of any nuisance from the common or wasteland of any town or village shall, in the opinion of the Magistrate be necessary, it shall be lawful for the Magistrate to order such removal by notice addressed to all persons having an interest on the said common land, and to the inhabitants of the town or village at large, which notice shall be affixed to the chowky or other principal place of public resort; and if within a reasonable time to be specified in the said notice the order be not carried out, the Magistrate may cause the vegetation or nuisance to be removed, and assess and levy the cost of the removal from the inhabitants in the manner provided in Sections 21 and 22 of this Act; or who, in disregard of established Rules, or the order of a Magistrate, stacks or stores grass or other inflammable material, or fails to remove the same when stacked or stored in dangerous proximity to any dwelling-house, out-house, or other building; or who disobeys the order of a Magistrate or Board of Municipal Commissioners for the pruning of hedges or for the pruning or removal of overgrown prickly-pear or other vegetation, the unchecked growth of which is likely to be injurious, shall be punishable for every such

Clause 3.—Any person who, on any road or public thoroughfare, recklessly or furiously rides, drives, trains or breaks, or leaves insufficiently tended or secured, any horse or other cattle, or keeps any cattle or conveyance of any kind standing longer than is necessary after receipt of warning to remove; or who unauthorisedly deposits for sale or otherwise any goods; or who throws or lays down, except in appointed places, any dirt, filth, or rubbish.

offence, on conviction before a Magistrate, or Board of Municipal Commissioners duly constituted, to the extent of fifty Rupees fine, or imprisonment not exceeding eight days.

XXXVI.—Misconduct on the part of domestic servants, such as insolence, disobedience, culpable neglect, or quitting service without a

Misconduct of Domestic Servants.

month's previous warning, or reasonable cause, shall be punishable, on conviction before a Magistrate, with fine not exceeding fifty Rupees, or imprisonment not exceeding one month, and the offender shall also be liable to forfeit his claim to the current month's wages: Provided that the master shall not have been guilty of violence or outrage towards the servant who may have quitted his service without discharge or due notice.

XXXVII.—Nothing contained in this Act

This Act not to prevent prosecution of any person under any other Regulation or Act.

shall exempt a person from any prosecution to which, under any other Regulation or Act, he may be liable; Provided that no person shall be punished twice for the same offence.

XXXVIII.—Except when otherwise provided

Forfeitures and Penalties imposed under this Act may be commuted to imprisonment, or levied by distress and sale of property of offender.

for all forfeitures or penalties imposed under the authority of this Act for offences punishable by a Magistrate may, in case of non-payment, be commuted to imprisonment, or levied by distress and sale of the property of the offender by warrant under the hand of the Magistrate who made the order: Provided that when the amount of fine does not exceed 50 Rupees the term of imprisonment shall not exceed two months, nor four months when the amount shall not exceed Rs. 100, nor six months in any other case.

XXXIX.—All sums paid for the service of

Sums paid for Service of Process, Rewards, Forfeitures, Penalties, &c. to be paid into the General Police Fund.

process by Police Officers, and all rewards, forfeitures, and penalties, or shares of rewards, forfeitures, and penalties, which by law are payable to informers, shall, when the information is laid by a Police Officer, be paid into the General Police Fund: Provided that nothing in this Section shall prevent the grant of a portion or the whole of such reward, forfeiture, or penalty to individuals of the Police for particular service.

XL.—No action or prosecution against any

Action or Prosecution against Police Officer to be commenced within three months.

Police Officer on account of wrong occasioned by his neglect or violation of duty, shall be admitted

unless commenced within three months after the act complained of shall have been committed; 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. No Plaintiff shall

Notice in writing to be given one month before commencement of action.

recover in any Civil suit if tender of sufficient amends shall have been made before such suit brought, or at the first hearing of the suit, and though a decree be given for the plaintiff in any such suit, such plaintiff shall not have costs against the defendant, unless the Judge before whom the trial is held shall certify his approbation of the suit.

Tender.

Costs.

XL.—When any suit or prosecutive 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 an order issued by an Officer of Police to whom he was subordinate or by any Magistrate; such plea shall be proved by the production of the order, or a copy thereof attested by a Magistrate, or proof of an order orally given, and the defendant shall thereupon be entitled to a decree in his favour, notwithstanding any defect of jurisdiction in the Officer who issued or gave the order and a written order or attested copy shall be admitted without proof of the signature, unless the Court shall see reason to doubt the said signature being genuine: Provided always that any remedy which the complaining party may have against the authority issuing such order shall not be affected by anything contained in this Section.

Police Officer in such suit, &c. may plead he acted under authority of an order issued by an Officer of Police to whom he was subordinate, or by any Magistrate.

Such plea how proved.

Saving the remedy of the complaining party against the authority issuing such order.

XLII.—The following words and expressions in this Act shall

Interpretation Clause.

have the meaning below assigned to them, unless there be something in the subject or context repugnant to such construction, that is to say—

The words "Magistrate of the District" shall mean the Chief Officer charged with the executive administration of a District, and exercising the powers of a

"Magistrate" of the District.

Magistrate, by whatever designation the Chief Officer charged with such executive administration is styled.

The word "Magistrate" shall include any person exercising all or any of the powers of a Magistrate.

The words "Police" and "Police Officer" shall include all persons appointed under this Act.

The words "Police Station" shall include the Town or part of a Town, the Village or Villages, which may have been allotted by competent authority to the charge of a Thanadar.

The word "Property" shall include any moveable property, money, or valuable security.

Words importing the singular number shall include the plural number, and words importing

the plural number shall include the singular number.

Gender. Words importing the masculine gender shall include females.

Person. The word "person" shall include a Company or Corporation.

Month. The word "month" shall mean the English month.

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

XLIII.—In citing this Act in any other Act or in any instrument, writing, or proceeding, it shall be sufficient to designate it as "The Bombay District Police Act of 1866."

Short Title.

By order of His Excellency the Governor in Council,

R. WEST,

Officiating Under-Secretary to Government.

Bombay Castle, 16th December 1862.

PROCEEDINGS OF THE LEGISLATIVE DEPARTMENT, BOMBAY.

The following Report of the Select Committee of the Council of the Governor of Bombay, for the purpose of making Laws and Regulations, together with the Bill, as altered by them, is published for general information.

Report of the Select Committee appointed to consider and Report on a "Bill to entrust Landholders with the Charge of the Police within their respective Lands."

It appeared to the Committee that the scope of this Bill was rather inadequately expressed by the Title as it stood in the original Draft. As it is an essential object not only to entrust Landholders with the charge of the Police within their Estates, but also to invest them with Magisterial Authority, limited by certain conditions as to its exercise, a corresponding addition has been made to the Title of the Act.

The procedure in the Courts of Landholders exercising Magisterial Jurisdiction ought not to differ in any important particular, the Committee think, from those in other Magistrates' Courts. That part of the Preamble, therefore, which recites the expediency of permitting more simple rules of procedure to prevail in the one class of Courts than in the other, has been struck out together with those Clauses in the body of the enactment upon which a difference of procedure would have been founded.

The precise powers intended to be conferred on Landholders under this Act have been more closely defined by the alterations made in Section I. The effect of this Section and of Section V. taken together will now be to give the Landholder full authority over the Village Police of his Estate, as was formerly done by Regulation XV. of 1827, while the more recently constituted District Police will not be prevented from acting within the same limits whenever their services there may become necessary or useful. It was necessary to avoid, on the one hand, impairing the general efficiency of the regularly organized Police, and, on the other, the risk of reducing the Landholder to a cipher. While, therefore, the amended Bill allows the Police sufficient freedom of action, they are made subject to the Landholders' Magisterial Authority while engaged in his local jurisdiction.

Clause 4 of Section VII. has been modified so as to deprive the Landholder of the arbitrary power of personal restraint conferred by the original Draft, a change which seemed necessary to adapt the Section to the spirit of recent legislation on subjects of this description.

In Section VIII. the period within which a complaint on account of any of the petty offences triable by a Landholder Magistrate must be laid before him, has been reduced from three months to one. This alteration will, the Committee think, do something to prevent the institution of criminal proceedings in frivolous cases, merely to gratify personal spite or for other sinister objects.

Section X. has been simplified, and the right of examination of the Landholder Magistrate's record reserved to the Magistrate of the District alone.

The form of the Sunnud given in Appendix A has been modified in accordance with the changes made in the body of the Bill, and so that it should be issued by the District Magistrate instead of the Secretary in the Judicial Department, as the Agent of Government.

With these modifications the Committee recommend the Bill for adoption, as one whose main provisions have already been tested by experience, and proved to be remarkably well adapted to the peculiar circumstances of the Bombay Presidency.

W. E. FRERE,
W. R. MANSFIELD,
A. D. ROBERTSON.

15th December 1862.

A Bill to entrust Landholders with the charge of the Police within their respective Lands and to invest them with the powers of Subordinate Magistrates of the Second Class.

WHEREAS it is in some cases expedient, with the view of securing the exertions of individuals of rank and influence in aid of the Police and of the public justice, that landholders should be entrusted with the charge of the Police within their respective lands, or other convenient limits. It is hereby enacted :—

SECTION I.—In districts where such a measure may appear to him expedient, it shall be lawful for the Governor in Council to cause landholders to be placed in charge of the village Police within their respective lands, or other convenient limits, under the provisions of this Act, and to have magisterial authority over the District Police within the same limits.

SECTION II. Clause 1st.—When a landholder is placed in charge of the Police by virtue of the preceding Section, a Sunnud shall be issued to him specifying the territorial bounds of his jurisdiction, reciting generally the duties which he is bound to perform, and investing him in respect to the cognizance and punishment of offences with the powers of a Subordinate Magistrate of the second class, and with authority to commute simple imprisonment not exceeding 8 days, to personal restraint for the same period in the Village Chowrie or other suitable place.

Clause 2nd.—The Sunnud shall be in the form contained in Appendix A., but in the language of the District to which the Landholder belongs, and it shall be issued in the name of the Governor in Council by the Magistrate of the District, under the sanction of the Government previously obtained.

Clause 3rd.—The District Magistrate shall, on transmitting the Sunnud to the landholder, furnish him at the same time with a translation of this Act, and of any parts of the Code, with which, in the exercise of his Police authority, it is important that he should be acquainted.

SECTION III.—The landholder may employ on the duties of Police, such of his retainers and dependents as he may deem expedient, together with the village establishments of the several villages over which his police jurisdiction extends; and, on occasions

of necessity, such as the apprehension of public offenders, or the defence of the country against marauders, or an enemy, shall have authority to require the assistance of the inhabitants at large of the district under his control; and any person unjustifiably withholding such assistance or service, shall, on proof of the fact, and of the urgency of the occasion, be liable on conviction before a Magistrate, with power not less than those of a subordinate Magistrate of the 1st class, to fine not exceeding fifty (50) Rupees, or to simple imprisonment for a period not exceeding one month or both.

Who are punishable for non-compliance.

SECTION IV.—The nomination and dismissal of the Police Servants indicated in the preceding Section shall be in the hands of the landholders, but no individual shall, without the consent of the Magistrate, be nominated by the landholder to any situation in the Police, who may have formerly been dismissed from a situation by a Magistrate or any higher authority.

SECTION V.—It is to be clearly understood that the Magistrate of the District has authority, if he should deem it expedient, to empower all individuals on these several Police Establishments under his orders to act within the limits of the landholder's jurisdiction in the same manner as beyond them, but such individuals shall be subject generally to the authority of the landholder, so far as is consistent with the execution of the orders of the District Magistrate or District Superintendent of Police.

SECTION VI.—The duties of Police in the several villages comprised within the landholder's jurisdiction, shall be performed by their respective Police Establishments, the Police Patel of each village and other village officers exercising under the control and superintendence of the landholder and District Magistrate the same authority and performing the same functions respectively as similar officers exercise in other parts of the District, and it shall be the duty of the said Magistrate to cause the landholder to be informed of the provisions of the general Acts and Regulations on this subject, and that he, the Landholder, is responsible that the same be adhered to within the limits of his jurisdiction.

Village Police Establishments within the landholder's local jurisdiction act as elsewhere.

SECTION VII. Clause 1st.—It shall be the duty of the landholder to the best of his ability to maintain the public peace throughout his jurisdiction, to apprehend public offenders, to try and to punish offences according to the authority conferred on him by his Sunnud, to execute the orders of the Magistrate, and to keep the officers of Police in the neighbourhood and the Magistrate well informed of all matters relative to the public peace and tranquility, which it may import them respectively to know.

Clause 2nd.—The landholder is empowered to punish all neglects of duty on the part of the Police authorities and officers under his control, to the extent to which he is authorized to award punishment for criminal offences.

Clause 3rd.—The landholder shall have authority to compel the attendance of witnesses and others in obedience to his summons, to make search for stolen property, under the restriction that dwelling houses shall not, without urgent necessity, be searched after sunset and before sunrise, and to punish contempts of his authority or disrespect, within the limits of the powers conferred on him.

Clause 4th.—He shall also have authority to require security from persons whom he may consider objects of suspicion, and if security be not furnished the said persons shall be forwarded to the Magistrate, by whom such order shall be passed in conformity with the Law, as the case may require.

SECTION VIII.—No offence whatever shall be punished by the landholders which shall have been committed more than one month before

the complaint on account of the said offence was laid.

SECTION IX.—The examination and trial of persons charged with offences shall be conducted by the landholder in conformity with the rules of the Code of Criminal Procedure.

SECTION X.—The landholder shall in all cases tried by him, keep the record required by the Code of Criminal Proce-

dure, and such record shall be open at all times to the inspection of the Magistrate of the District.

SECTION XI.—Sentences awarded by the landholders shall be carried into immediate execution, the Magistrate of the District being vested with full power if he sees sufficient cause to mitigate or annul such sentences. The said Magistrate has also power to transfer the investigation of any case at any stage of the proceedings to any other Magistrate who would have been competent to take original cognizance of the case.

SECTION XII. Clause 1st.—If a person charged with having committed an offence which the landholder is not authorised to try, be apprehended within his jurisdiction, the landholder shall, after taking the examination of the accused and the deposition of such witnesses as have attended before him, the landholder forward the accused, together with the witnesses and the papers of the case, to the nearest Magistrate having local jurisdiction.

Clause 2nd.—No prisoner apprehended for transmission to the Magistrate shall be detained by the landholder for a longer period than 24 hours without urgent necessity, and in such case of urgent necessity a statement of the delay and of the cause of it shall be forthwith forwarded to the nearest Magistrate having local jurisdiction.

SECTION XIII.—The Governor in Council may, after receiving a report from the Commissioner of Police, direct that a landholder be deprived of his Police authority.

And the Magistrate of the District, on receiving the orders of Government to divest the landholder of his Police charge, shall cause a proclamation to that effect to be published throughout the districts concerned, and the authority of the landholder as head of the Police within such districts shall cease from the date of such proclamation.

SECTION XIV.—Complaints against the landholder shall be enquired into only by the Magistrate of the District.

APPENDIX A.

FORM OF SUNNUD VESTING A LANDHOLDER WITH
POLICE JURISDICTION UNDER THE PROVISIONS
OF THIS ACT.

Seal.

THE GOVERNOR IN COUNCIL reposing confidence in the integrity, discretion, zeal, and good faith of (here enter the Landholder's name and title) hereby places him under the provisions of this Act, in charge of the Police in (here specify the tract of country concerned), within the District of _____ with the powers of a subordinate Magistrate of the 2nd Class, provided that the complaint be made before him not more than one month after the offence was committed. It is the duty of the said _____ to superintend the correct discharge of their duties by the officers of Village Police in the several villages comprised within the limits of his Police charge, and by means of the Police Offi-

cers and servants under his control, to maintain the public peace, to apprehend all public offenders, to execute the orders of the Magistrate of the District, and to keep him and the Police Officers stationed in the vicinity of his jurisdiction well informed of the appearance of plunderers or other public offenders, within or near his jurisdiction, of threatened inroads or attacks, and of all matters whatever, which it may import them in the discharge of their public duties to know; and to maintain, and to cause all Police Officers under his control to maintain strict observance of the provisions of this Act, and of all other rules and orders to which he may be specially directed to conform by the Magistrate of the District.

(Signed) A. B.,

Magistrate of the District.

*Office of the Magistrate,
of the District of*

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By order of His Excellency the Governor in Council,

R. WEST,

Officiating Under-Secretary to Government.

Bombay Castle, 16th December 1862.

PROCEEDINGS OF THE LEGISLATIVE DEPARTMENT, BOMBAY.

The following Report of the Select Committee of the Council of the Governor of Bombay, for the purpose of making Laws and Regulations, together with the Bill as altered by them, is published for general information.

Report of the Select Committee appointed to consider and report on a "Bill to enable Magistrates to depute to Subordinate Magistrates, power to try certain Offences punishable under the Indian Penal Code, and to enable District Police Officers to try certain Minor Offences specified in Chapter XIV. of the Indian Penal Code."

The Committee have duly considered this Bill and have no suggestion to offer, but that the Bill be passed, the words "Subordinate Magistrate of the second class" being substituted for "District Police Officers."

W. E. FRERE.
W. R. MANSFIELD.
A. D. ROBERTSON.

A Bill to enable Magistrates to depute to Subordinate Magistrates power to try certain Offences punishable under the Indian Penal Code, and to enable District Police Officers to try certain Minor Offences specified in Chapter XIV. of the Indian Penal Code.

Whereas the great size of the Zillahs in this Preamble. Presidency makes it desirable that the powers conferred by the Code of Criminal Procedure on the Magistrate, and Subordinate Magistrate of the first class, should in certain cases be exercised by any Magistrate; and whereas it is expedient that Subordinate Magistrates of the second class should have the power of trying some of the minor offences specified in Chapter XIV. of the Indian Penal Code; It is enacted as follows:—

I.—The Magistrate of the District may depute to any Subordinate Magistrate of the second class the power to try any offence under Chapter XIII. of the Indian Penal Code, and any offence

for which the highest limit of imprisonment does not exceed six months under Chapter XIV. of the same Code; provided that the jurisdiction of a Subordinate Magistrate of the second class as regards extent of punishment, laid down in Section 22 of the Code of Criminal Procedure, shall not be exceeded.

II.—The offences mentioned in Sections 277, 279, 283, 289, and 290 of the Indian Penal Code may be tried by any Subordinate Magistrate of the second class, who shall be competent to pass sentence in respect of such offences to the extent of his ordinary jurisdiction, any provisions in the Code of Criminal Procedure to the contrary notwithstanding.

By order of His Excellency the Governor in Council,

R. WEST,

Officiating Under Secretary to Government.

Bombay Castle, 15th December 1862.

PROCEEDINGS OF THE LEGISLATIVE DEPARTMENT, BOMBAY.

The following Report of the Select Committee of the Council of the Governor of Bombay, for the purpose of making Laws and Regulations, together with the Bill as altered by them, is published for general information :—

Report of the Select Committee appointed to consider and report on a " Bill for the Regulation of the Village Police in the Presidency of Bombay."

The few alterations and additions which the Committee have thought it expedient to recommend, are designed chiefly to bring the Village Police as constituted by the Bill, under more effective control, and to prevent any supersession of the District Police in the performance of the proper duties of the latter.

In Section III. a change has been made by which Government is empowered to vest any of the higher grade of Subordinate Magistrates with the same powers for the control of the Village Police which the Section, as it originally stood, allowed to be extended only to Police Superintendents and their Assistants.

The duties imposed on Patels by Section X. have been extended by cutting these Officers off from any excuse for not communicating information on the ground that they did not consider it of any importance. Under the Section as amended, they will be bound to communicate all information, whether it is important or not.

The Code of Criminal Procedure imposes the duty of holding Inquests upon the Officer in charge of a Police station. It appeared to the Committee that this duty ought not to be interfered with or superseded; but as cases may frequently arise in which to delay an Inquest would be to defeat its object, Section XII. has been altered so as to allow the Patel in emergencies, but only in emergencies, to make the inquiry, which in the original Draft this Section reserved to him. The provision at the end of the Section as to the Inquest Report, and its use as evidence, appearing to clash with the provisions of the Code of Criminal Procedure, has been expunged.

The report required by Section XIX. to be made to the District Police Officer, the Committee considered might more properly be made to the Magistrate within whose jurisdiction the unclaimed property had been found, and the Section has been modified accordingly. The remaining alterations are merely verbal.

W. E. FRERE.

W. R. MANSFIELD.

A. D. ROBERTSON.

15th December 1862.

A Bill for the Regulation of the Village Police in the Presidency of Bombay.

Whereas it is expedient to provide for the regulation of the Village Police in the Presidency of Bombay; It is hereby enacted as follows:—

I.—The following portions of Regulation XII. of 1827 of the Bombay Code, are hereby repealed, viz:

Section VI.

So much of Section XXII. as has not already been repealed by Act XVII. of 1862 of the Legislative Council of India.

Sections XLVIII. to LIII. inclusive.

II.—The administration, control, and direction of the Village Police throughout each District shall, under the general control and direction of

the Commissioner of Police, be among the duties which devolve on any officer lawfully in charge of the office of Magistrate of the District.

III.—It shall be lawful for the Governor in Council to declare that any authority which is, or may be, exercised by the Magistrate of any District

over Police Patels or other Village Officers for the purpose of Police, shall be exercised, subject to the general control of the Commissioner of Police and of the Magistrate of the District, by any Magistrate with powers not less than those of a Subordinate Magistrate of the First Class, or by the District Superintendent of Police, and by the Assistant District Superintendent of Police.

IV.—The Village Police in each Village

Village Police in Villages to be under charge of Hereditary Patel, or of such other Police Patels as may be appointed.

shall be under charge of the Hereditary Patel or of such other person as the Magistrate of the District shall appoint to be Police Patel, subject to the approval of the Commissioner of Police and with due regard to the provisions of Act XI. of 1843, or other Act regulating the services of Hereditary Village Officers under the Presidency of Bombay.

V.—In any town or place in which the du-

Police Patels may be appointed for different divisions of a town or place.

ties of Village Police cannot suitably be directed by one Police Patel, the Magistrate of the District, with the consent of the Commissioner of Police, may either appoint a sufficient number of Police Patels for particular divisions of the town or place, or he may appoint an Officer of the District Police with authority to control and direct the entire Police Force of all kinds, including the Village Police therein. Such Officer

Their authority. shall have all the authority and be bound to discharge all the duties of Police Patels, in addition to any authority and duties which may belong to them under the Bombay District Police Act, No. of 186.

VI.—The Police Patel, besides being sub-

Duties of Police Patel. ject to the orders of the Magistrate of the District, shall act under the orders of the Magistrate within whose ordinary local jurisdiction his village is situated, shall furnish to the said Magistrate any returns or information required, and shall keep him constantly informed as to the state of crime and of all matters connected with the Police, and with the temper, health, and general condition of the community in his village. He shall also afford all the assistance in his power to the District Police in the performance of their duty.

VII.—The Police Patel shall have authority

His authority over Village servants.

to require all village servants, in whatever capacity ordinarily employed, to aid him in performing the duties entrusted to him; and it shall be the duty of those employed to keep the Village Revenue Accounts, to frame all written returns and proceedings for the Police Patel.

VIII.—The Police Patel shall dispose of the

Precautions to be taken by him against Robbery, &c.

Village Establishment so as to afford the utmost possible security against robbery, breach of the peace, and acts injurious to the public and to the village community, and shall report to the Magistrate to whom he is immediately subor-

dinate, all instances of misconduct or neglect committed by any members of the said Establishment.

IX.—Any Police Patel or member of a Vil-

Penalty for neglect of duty, &c.

lage Establishment liable to be called on for the performance of Police duties

who shall be careless or negligent in the discharge thereof, shall be liable to be fined under the order of any of the Officers vested with the authority over the Village Police, provided for in Section 3 of this Act, to any amount not exceeding his estimated average official emoluments for three months. If he shall be guilty of any violation of duty or breach of rule, or of other misconduct or offence requiring a heavier punishment than can be inflicted under this rule, he may be proceeded against and punished in the same manner as a Police Officer might be proceeded against and punished for similar misconduct or offence under Sections 27, 28, and 29, of the Bombay District Police Act, No. of 186

X.—Clause 1.—It shall be the duty of the

Certain duties of Police Patel, &c.

Police Patel and of every Village Police Officer to communicate all he may see or hear to his superior officer, promptly to obey and execute all orders and warrants issued to him by authority which he is bound to obey; to collect and communicate to the District Police intelligence affecting the public peace; to prevent within the limits of his village the commission of offences and public nuisances; to detect and bring offenders therein to justice, and to apprehend within the said limits all persons for whose apprehension sufficient ground exists.

Clause 2.—Every person so apprehended

Person apprehended to be forwarded within 24 hours to District Police Station.

shall be forwarded within twenty-four hours to the District Police Station within the limits of which the village is situated, or the arrival of the Officer in charge of the station or an Officer deputed by him, who will act under the provisions of the Bombay District Police Act, No. of 186

XI.—If a crime shall have been committed

Information to be forwarded to Officer in charge of District Police Station when perpetrator of a crime in a village has escaped or is not known.

within the limits of the village, the perpetrator whereof has escaped or is not known, the Police Patel shall forward immediate information to the Officer in charge of the District Police Station within the limits of which his village is situated, and shall himself proceed to investigate the matter and obtain all procurable evidence relating to it, which he shall forward to the said Officer.

XII.—Clause 1.—If any unnatural or sudden death occur or any corpse be found within the bounds of any village, the Police Patel shall forthwith make the necessary report to the

Inquest to be assembled in cases of unnatural or sudden Death, or Corpse found within a Village.

Officer in charge of the Police station or within the limits of which the Village is situated, and in the event of such Officer's arrival being delayed and the case being urgent, he shall himself assemble an inquest to be composed of three or more respectable and intelligent persons belonging to the village or neighbourhood, who shall investigate the causes of death and all the circumstances of the case, and make a written report of the same, which the Police Patel shall cause to be delivered to the Officer in charge of the Police Station aforesaid.

Clause 2.—Any person who on being called upon by the Police Patel to serve as a member of such inquest shall without justifiable cause refuse or neglect to do so, shall be liable, on conviction before a Magistrate, to punishment not exceeding 50 Rupees fine, or imprisonment for one month.

XIII.—The Police Patel shall apprehend any person within the limits of his village who he may have reason to believe has elsewhere committed any serious offence, and shall detain him, the prisoner, until the arrival of the District Police Officer in charge of the Police Station or his subordinate officer, within the limits of which the Patel's village is situated, and thereupon deliver the accused into the custody of such Police Officer, together with all articles likely to be useful as evidence in the matter concerned which he, the Patel, may have been able to obtain possession of.

XIV.—Clause 1.—The Police Patel in making an inquiry coming within the scope of his duty, in any case in which it is not competent for him to inflict punishment, shall have authority to call and examine witnesses, and to search for concealed articles, the said Patel taking care that no search be made in a dwelling house between sunset and sunrise without urgent occasion.

May in certain cases call and examine Witnesses.

Search for concealed articles.

But in a dwelling house between sunset and sunrise only on urgent occasion.

Clause 2.—A Police Patel shall also have authority in carrying out any search or any pursuit of supposed criminals, to enter and act within the limits of other vil-

lages, being bound however to give immediate information to the Police Patels thereof, who shall afford him all the assistance in their power, and be immediately responsible for continuing the search or pursuit.

XV.—It shall also be lawful for the Police Patel in carrying out any investigation or other duty entrusted to him, to enter without warrant and inspect any drinking-shop, gaming-house, or other place of resort for persons of loose and disorderly character.

XVI.—The Police Patel shall have authority to try any person charged having committed within the limits of his village, of petty assault, or abuse, or mischief, or petty-theft, when the estimated value of the property stolen or of the damages sustained, does not exceed two Rupees, and to try any person charged with resisting or refusing to obey a lawful order issued by such Police Patel personally and it shall be lawful for him to sentence any person convicted before him of any of the above acts, to punishment by fine, not exceeding Rupees Five, or confinement in the village chowkee for a period not exceeding forty-eight hours; the confinement in cases of contempt to be awardable only on failure to pay a fine.

May enter without warrant and inspect any drinking-shop, gaming-house, &c.

May try certain cases of petty assault, abuse, and petty theft of property, when value of damage does not exceed 2 Rs.

And persons charged with resistance of orders of Police Patel.

Punishment.

XVII.—The Police Patel shall also have authority to punish by a fine not exceeding one Rupee, or by confinement in the village Chowkee for a period not exceeding twelve hours, any person committing nuisances or disorderly acts, such as are below described, and to forbid the continuance or repetition of such nuisances or acts, that is to say:—

I. Any person who wantonly and cruelly Beating, &c. any animal. beats, ill uses, or tortures any animal.

II. Any person who bathes or washes in, or otherwise defiled, or causes to be defiled, any Bathing, washing in or defiling any well, &c. well, tank, or reservoir, so as to render it less fit for any purpose for which it is set apart.

III. Any person who throws or lays down Throwing down dirt, &c., in forbidden places. in forbidden places any dirt, filth, or rubbish.

IV. Any who on any public street, passage or thoroughfare, commits Committing nuisance. nuisance, or who is from

Or, from intoxication, &c., riotous, or incapable of taking care of himself, or found gambling.

or abetting the same.

V. Any person who causes to accumulate

Accumulating offensive matter in cesspools, &c.

any offensive matter in cesspools, dung-heaps, or the like, so as to cause annoyance to the neighbouring residents or to passengers, or who causes any offensive matter

Causing offensive matter to issue on any public thoroughfare from any house, stable, privy, &c.

to issue on to any public thoroughfare from any house, factory, stable, privy, or the like, or who deposits the bodies of

Depositing bodies of dead animals or filth in channels feeding any Tanks, &c., set apart for drinking.

such is offensive to the community.

XVII.—The proceedings under the two foregoing Sections shall

Proceedings how to be taken under the two previous Sections.

be oral and summary, and shall be held in the presence of the parties concerned, and it shall be optional with the complainant to withdraw his complaint at any time before conviction is recorded. The names of the complainant and the accused in such cases, and the finding, and sentence or order, or the withdrawal of the charge shall be recorded with the date of proceedings, and forwarded to the Magistrate of the District in such form, and through such channel, and at such times as the said Magistrate shall prescribe.

intoxication, riotous, disorderly, or incapable of taking care of himself, or who is found gambling

to issue on to any public thoroughfare from any house, factory, stable, privy, or the like, or who deposits the bodies of which, in the rainy season feed any Tank or Reservoir set apart for drinking, or in other places where to deposit

XIX.—The Police Patel shall take charge of all unclaimed property found within his village,

Unclaimed property.

whether made over to him under Clause 1 Section XXV. of the Bombay District Police Act, or otherwise, and shall make a report to the nearest Magistrate having local jurisdiction, and act thereafter as may be directed by the said Magistrate, provided that nothing contained in this Act shall be deemed to interfere with the provisions of Section XVI., Act III. of 1857.

XX.—Nothing contained in this Act shall exempt a person from

Persons may be prosecuted under other Regulations &c. for any offence made punishable by this.

any prosecution or punishment to which under any other Regulation or Act he may be liable, provided that no person

shall be punished twice for the same offence.

XXI.—In case of the Police Patel being unable to attend to his

Provision, in case of absence, sudden illness, &c., of Police Patel.

duty, owing to absence from the village, sudden illness, or other unavoidable

cause, he shall place his nearest competent relative, or failing his having a competent relative, some other competent person in charge of his office, making an immediate report of the circumstance to the Magistrate to whom he is directly subordinate; and the person so placed in charge shall, until the receipt of instructions, continue to act for the Police Patel in all his duties except those which involve the trial and punishment of offenders.

XXII.—In citing this Act in other Legislative Acts, or in any instrument, writing, or proceeding, it shall be sufficient to designate it as

Short Title.

the "Bombay Village Police Act."

By order of His Excellency the Governor in Council,

R. WEST,

Officiating Under-Secretary to Government.

Bombay Castle, 16th December 1862.