

THE



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PART IV.

ACTS PASSED BY THE GOVERNMENT OF BOMBAY.

The following Act of the Governor of Bombay in Council received the assent of His Excellency the Governor on the 22nd April 1898, and the assent of His Excellency the Viceroy and Governor General on the 14th July 1898, and is published for general information :—

Bombay Act No. III of 1898.

(An Act to amend the Bombay District Police Act, 1890).

(The assent of the Governor General of India to this Act was published by the Governor of Bombay on the 3rd August 1898.)

WHEREAS it is expedient to amend the Bombay District Police Act, 1890, in manner hereinafter appearing: It is enacted as follows :—

1. For section 1 of the Bombay District Police Act, 1890, which is hereinafter referred to as the said Act, there shall be substituted the following, viz. :—

“1. (1) This Act may be cited as the Bombay District Police Act, 1890.

Short title.

“(2) It extends to the whole of the Presidency of Bombay, except the

Extent.

City of Bombay, Sind and Aden, but Government may at any time by notification in the *Bombay Government Gazette* extend it, or any part of it, to any portion of either Sind or Aden.”

2. In section 2 of the said Act for the word and figure “sub-section (1)” there shall be substituted the following, viz. :—

“sub-section (2)”.

3. For sub-section (2) of section 25 of the said Act there shall be substituted the following, viz. :—

Amendment of sub-section (2) of section 25.

“(2) The cost of such additional police shall, if Government so direct, be either

in whole or in part defrayed by a tax imposed on the persons hereinbelow mentioned, or by a rate assessed on the property of such persons, or both by a tax and by a rate so imposed and assessed, and charged

(a) either generally on all persons who are inhabitants of the local area to which such notification applies; or

(b) specially on any particular section or sections or class or classes of such persons, and Government may direct the proportions in which such tax or rate shall be charged.

Explanation.—For the purposes of this section and of section 25A 'inhabitants' shall include persons who themselves or by their agents or servants occupy or hold land or other immovable property within such area, and landlords who themselves or by their agents or servants collect rents or revenue direct from rayats or occupiers in such area, notwithstanding that they do not actually reside therein."

4. After sub-section (2) of section 25 of the said Act there shall be inserted the following new sub-section, to be numbered (3), viz. :—

Insertion of new sub-section (3) in section 25.

"(3) It shall be lawful for Government to extend, for a term not exceeding in any case five years, the period for the payment of such tax or rate beyond the period for which such additional police are actually employed."

5. For sub-section (3) of section 25 of the said Act the following, which shall be numbered sub-section (4), shall be substituted, viz. :—

Amendment of sub-section (3) of section 25.

"(4). The said tax shall be imposed, or the said rate shall be assessed, except in a Municipal district, by the Collector at his discretion. If the local area in which any such tax is to be imposed or any such rate is to be assessed, is a Municipal district, the amount of the charge shall be paid by the Municipality from the Municipal Fund or the rate shall be assessed by the Municipality conformably to the direction given by Government under sub-section (2)."

6. After new sub-section (4) of section 25 of the said Act there shall be inserted the following new sub-section, viz. :—

Insertion of new sub-section (5) in section 25.

"(5) It shall be lawful for Government, by order, to exempt any persons from liability to bear any portion of such cost."

7. After section 25 of the said Act there shall be inserted the following new section, viz. :—

"25A. (1) With the previous sanction of Government the Magistrate of the District may— (a) after such enquiry as he deems necessary,

(i) determine the amount of the compensation which, in his opinion, should be paid to any person or persons, in respect of any loss or damage caused to any property, or in respect of death or grievous hurt caused to any person or persons, by anything done in the prosecution of the common object of an unlawful assembly, and

(ii) declare the local area the inhabitants of which have, in his opinion, by their conduct caused or contributed to the holding of such assembly;

(b) require the Collector to recover the amount so determined in such proportions as the Magistrate of the District may with the like sanction direct from all inhabitants of the local area so declared as aforesaid, or from any section or sections, or class or classes of such persons;

(c) if such area is a Municipal district, at his discretion require the Municipality to assess and recover such amount by a tax or by a rate which the Municipality shall impose and levy from such persons and in such proportions in accordance with such directions; and

(d) require the Collector or the Municipality, as the case may be, to award or apportion all or any moneys so recovered to any person or among all or any persons whom the Magistrate of the District considers entitled to compensation in respect of the loss or damage or death or grievous hurt aforesaid.

(2) It shall be lawful for Government, by order, to exempt any persons from liability to pay any portion of such compensation.

(3) No recovery shall be made and no compensation shall be granted under

this section except upon a claim made within one month from the date of the death, grievous hurt, loss or damage, as aforesaid, in respect of which such claim is made and unless the District Magistrate is satisfied that the person claiming compensation is himself free from blame in respect of the occurrences which led to the death, grievous hurt, loss or damage as aforesaid.

(4) Every declaration, assessment, direction and order made by the Magistrate of the District under sub-section (1) shall be subject to revision by Government or by such officer as they from time to time empower in this behalf, but save as aforesaid shall be final.

(5) No civil suit shall be maintainable in respect of any loss or injury for which compensation has been granted under this section."

Amendment of section 26. 8. (1) In sub-section (1) of section 26 of the said Act,—

(a) after the word "Every" there shall be inserted the following, viz. :—
"tax imposed or";

(b) for the words "last preceding section," there shall be substituted the following, viz. :—

"the last two preceding sections";
and

(c) at the end of the said sub-section (1) there shall be added the following, viz. :—

"Provided always that, in default of such recovery, it shall be lawful for the Government to direct the Collector to recover such tax or rate in the manner prescribed in the following sub-section,

as if it were a tax imposed or a rate assessed by him."

(2) In sub-section (2) of the same section,—

(a) after the word "Every" there shall be inserted the following, viz. :—

"tax imposed or"; and

(b) after the words "rate assessed," there shall be inserted the following, viz. :—

"or amount recoverable".

9. After section 26 of the said Act, New section added. there shall be inserted the following new section, viz. :—

"26A. On the last three preceding sections coming into force in Sind, the provisions, so far as they are inconsistent therewith, of sections 16 and 17 of the Bombay District Police Act, 1867, shall be deemed to have been repealed in that Province."

Bo. Act VII
of 1867.

10. In sub-section (1) of section 42 of the said Act, after the words "singing of songs," there shall be inserted the following, viz. :—

"playing of music".

11. In clause (a) of sub-section (1) of section 48 of the said Act, after the words "conduct of," there shall be inserted the following, viz. :—

"and behaviour or action of persons constituting".

By order of His Excellency the Right Honourable the Governor in Council,

C. G. H. FAWCETT,

Secretary to the Council of the Governor of
Bombay for making Laws and Regulations.

Bombay Castle, 2nd August 1898.