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PART V.

PROCEEDINGS OF THE LEGISLATIVE DEPARTMENT, BOMBAY.

(To be translated into Marathi, Gujarati and Kanarese, and the translations to be published in the "Bombay Government Gazette." The dates of publication to be reported.)

The following Bill, together with the Statement of Objects and Reasons accompanying it, is published in accordance with Rule 15 of the Rules for the conduct of Business at Meetings of the Council of His Excellency the Governor of Bombay for making Laws and Regulations:—

Bill No. 3 of 1889.

A Bill to amend the Law for the regulation of the District Police in the Presidency of Bombay.

TABLE OF CONTENTS.

	Section.		Section.
CHAPTER I.—PRELIMINARY.		CHAPTER II.—ORGANIZATION OF THE POLICE.	
		<i>General.</i>	
Short title	1	Police force to be entertained in each district	4
Extent	<i>ib.</i> (1)	Appointment and authority of Inspector General of Police	5 (1)
Extension to Sind, Aden and its dependencies and Perim	<i>ib.</i> (2)	His suspension or removal	<i>ib.</i> (2)
Repeal of enactments... ..	2	Appointment of District and Assistant Superintendents	6
Definitions	3	Commissioners and Inspectors to have Magisterial powers	7
"Inspector General," "District Superintendent," "Assistant Superintendent"	<i>ib.</i> (a)	To exercise them under the orders of Government	<i>ib.</i>
"Police officer"	<i>ib.</i> (b)	Appointment of inspectors	8
"Constable"	<i>ib.</i> (c)		
"District"	<i>ib.</i> (d)		
"Street"	<i>ib.</i> (e)		
"Cattle"	<i>ib.</i> (f)		
Words and expressions defined in the Criminal Procedure Code... ..	<i>ib.</i> (g)		

	Section.		Section.
CHAPTER II.—ORGANIZATION OF THE POLICE—continued.		CHAPTER III.—REGULATION, CONTROL AND DISCIPLINE OF THE POLICE FORCE—continued.	
<i>General—continued.</i>			
Appointment of police officers below the grade of inspector	9	Punishment of police officers departmentally for neglect of duty, &c....	28 (1)
Certificates of appointment to be given to inspectors	10	Punishment under this section to be in addition to penalty under section 33, 57 or 58	<i>ib.</i> (2)
Certificates of office to be given to police officers below the grade of inspector	11 (1)	Procedure to be observed in awarding punishment	29
Powers, &c., of holders of such certificates	<i>ib.</i> (2)	Departmental punishment of insubordination	30
Such certificates when to become null and void	<i>ib.</i> 3 (a)	Police officers to be deemed to be always on duty and to be liable to employment in any part of the presidency	31
Temporary suspension of powers, &c. of holders	<i>ib.</i> 3 (b)	Police officer not to trade	32 (1)
General powers of District Superintendents	12	Except with permission, police officers under the rank of Assistant Superintendent not to be otherwise employed	<i>ib.</i> (2)
Control by Magistrate of the District. subject to rules and orders of Government and lawful orders of Commissioner	13 (1)	These prohibitions to apply also when a police officer is on leave or under suspension	<i>ib.</i> (3)
Inspector General to give furtherance to purpose of sub-section 1	<i>ib.</i> (3)	Under what conditions police officer may resign	33 (1)
Additional police force to be furnished to any district by the Inspector General on requisition of District Magistrate	14	Pay of a police officer contravening this section may be forfeited	<i>ib.</i> (3)
District Superintendent may be required by District Magistrate to furnish reports	15	Certificate, arms, &c., to be delivered up by person ceasing to be a police officer, and	34 (1)
District Magistrate's general powers of supervising the police force of his district	16	if not delivered up may be seized under a search warrant... ..	<i>ib.</i> (2)
Power of Commissioner to issue directions in respect of employment of police force	17 (1)	Penalty for misconduct of police officers	35 (1)
Such direction ordinarily to be to the District Magistrate and to be communicated to the Commissioner	<i>ib.</i> (2)	Consequence of failure to return to duty after leave	<i>ib.</i> (2)
Commissioner may call Inspector General's attention to defects in the police of his division	18	For failure to deliver up certificate of office	35
Commissioner may call on District Magistrate for reports on state of crime, &c. and issue orders thereon. Commissioner may investigate all matters of police accounts	19 20	CHAPTER IV.—POLICE REGULATIONS.	
<i>Special.</i>		Rules may be made by District Magistrate regarding use of streets, &c.	
Appointment of special police officers. Powers and responsibilities of special police officers	21 (1) <i>ib.</i> (2)	Manner of publication of such rules . District Magistrate may make rules for blasting and excavation	
<i>Additional and Punitive.</i>		Discontinuance of brothels	
Employment of additional police at request of private persons	22 (1)	Issue of orders by Magistrates for prevention of disorder	
Employment of additional police near large works at the charge of persons carrying on such works	23 (1)	District Magistrate may take special measures to prevent outbreak of epidemic disease at fairs, &c.	
Employment of punitive police	24 (1)	Levy of fees in such cases	
Recovery of rates and charges under last three sections	25 (1)	Dispersal of gangs and bodies of persons	
CHAPTER III.—REGULATION, CONTROL AND DISCIPLINE OF THE POLICE FORCE.		Police to provide against disorder, &c., at public places of amusement and public meetings	
Framing of rules for administration of the police	26	Police to regulate assemblies, &c., in public streets	
Inspector General may call for returns, &c.	27	Provisions as to dogs	
		When dogs may be destroyed or sold by the police	
		Provision in case of dog wearing a collar with owner's address inscribed thereon	
		Powers under this chapter to be exercised by District Superintendent subject to control of District Magistrates and by District Magistrates subject to control of Government	
			46

	Section.		Section.
CHAPTER V.—EXECUTIVE POWERS AND DUTIES OF THE POLICE.		CHAPTER VI.—OFFENCES AND PUNISHMENTS—continued.	
Official duties of police officer ...	47 (1)	Punishment for cruelty to animals...	56
Power to enter places of public resort ...	<i>ib.</i> (2)	Penalty for vexatious search or arrest by the police ...	57
Duties of police officers toward the public ...	48	Penalty for vexatious delay in forwarding a person arrested ...	58
Police to regulate traffic, &c., in streets; and ...	49 (a)	Penalty for contravention of rules under section 37 or of directions under section 49 ...	59
to keep order in the streets and other public places; and ...	<i>ib.</i> (b)	Penalty for contravening rules, &c., under section 38 ...	60
to regulate resort to public places.	<i>ib.</i> (c)	Penalty for failure to comply with order under section 39 ...	61
Enforcement of orders issued under section 40 ...	50	Penalty for contravention of rules or directions under sections 40, 43 and 44 ...	62
Duty of the police to see orders issued under section 41 or 42 carried out.	51	Penalty for contravening a regulation made under section 41 ...	63
Police to take charge of unclaimed property ...	52	Penalty for contravention of direction given under section 42 ...	64
Disposal of such property by Magistrate ...	53 (1)	Penalty for opposing or not complying with direction given under section 50 ...	65
Power to sell perishable property at once ...	54	Jurisdiction when offender is a police officer above the rank of constable.	66
CHAPTER VI.—OFFENCES AND PUNISHMENTS.		Prosecution for certain offences against this Act to be in the discretion of the police ...	67
Punishment of certain street offences and nuisances ...	55	Prosecution for offences under other enactments, not affected by this Act ...	68
Driving on dark nights without a light; ...	<i>ib.</i> (a)	CHAPTER VII.—MISCELLANEOUS.	
disregarding the rule of the road; leaving cattle, &c., insufficiently tended; ...	<i>ib.</i> (b)	Disposal of rewards, &c., payable to police officers ...	69
obstruction or causing mischief by animals; ...	<i>ib.</i> (c)	District Magistrate's authority over village police officers may be delegated to District Superintendents.	70
exposing animal for hire or sale &c. causing any obstruction in a street; obstructing a footway; ...	<i>ib.</i> (d)	No Municipality to levy rates on police buildings ...	71 (1)
exhibiting mimetic, musical or other performances, &c. ...	<i>ib.</i> (e)	Municipalities may be required to provide accommodation for the police ...	<i>ib.</i> (2)
offensive acts on or near public streets; ...	<i>ib.</i> (f)	Limitation of prosecutions and suits.	72 (1)
letting horses loose and suffering unmuzzled ferocious dogs to be at large; ...	<i>ib.</i> (g)	Suits in certain cases to be dismissed ...	<i>ib.</i> (2)
bathing or washing in places not set apart for those purposes; ...	<i>ib.</i> (h)	Saving of Police Act, 1888 ...	73
defiling water in public wells, &c.; obstructing bathers; ...	<i>ib.</i> (i)	SCHEDULE A.	
indecent behaviour in public; ...	<i>ib.</i> (j)	SCHEDULE B.	
drunkenness; ...	<i>ib.</i> (k)		
misbehaviour for purpose of provoking a breach of the peace ...	<i>ib.</i> (l)		
begging and exposing offensive ailments ...	<i>ib.</i> (m)		
	<i>ib.</i> (n)		
	<i>ib.</i> (o)		
	<i>ib.</i> (p)		
	<i>ib.</i> (q)		
	<i>ib.</i> (r)		

A Bill to amend the law for the regulation of the District Police in the Presidency of Bombay.

WHEREAS it is expedient to amend the law for the regulation of the District Police of the Presidency of Bombay; It is enacted as follows:—

CHAPTER I.—PRELIMINARY.

1. This Act may be called "The Bombay District Police Act, 1888."

(1) It extends to the whole of the presidency of Bombay, except Sind, the city of Bombay, Aden and its dependencies, and Perim.

(2) It, including the schedules, may be introduced wholly or in part in Sind or in Aden and its dependencies and Perim, by an order of the Governor in Council.

2. Subject to the provision in section 1, sub-section (1), the enactments mentioned in schedule A are repealed to the extent specified in the third column thereof, but not so as to render invalid anything done in accordance with any of them.

All references made in any enactment of the Governor of Bombay in Council to any enactment hereby repealed shall be read as if made to the corresponding portion of this Act.

All rules prescribed, appointments made, powers conferred, and orders and certificates issued under any such enactment shall, so far as they are consistent with this Act, be deemed to have been respectively prescribed, made, conferred and issued hereunder.

3. In this Act, unless there be something repugnant in the subject or context:

(a) "Inspector General", "District Superintendent" and "Assistant Superintendent" mean, respectively, the Inspector General of Police, a District Superintendent of Police and an Assistant Superintendent of Police appointed under this Act;

(b) "police officer" means any member of a police force appointed under this Act;

(c) "constable" means a police officer of the lowest grade; "Constable"; Bo. Act VII of 1867, s. 1.

(d) "district" means a territorial division constituting a district for the purposes of the Code of Criminal Procedure, 1882; "District"; New. Act X of 1882

(e) "street" includes any highway and the way over any causeway, bridge, viaduct, arch, quay or wharf and any road, lane, footway, square, court, alley or passage accessible to the public, whether a thoroughfare or not; "Street"; Town Police Clauses Act, 1847 (10 and 11 Vic., c. 89), s. 83.

(f) "cattle" includes elephants, camels, horses, asses, mules, sheep, goats and swine; "Cattle"; Bo. Act VII of 1867, s. 1.

(g) words and expressions which are defined in the Code of Criminal Procedure, 1882, have the same meaning as in that code. Words and expressions defined in the Criminal Procedure Code. Act X of 1882.

CHAPTER II.—ORGANIZATION OF THE POLICE.

General.

4. In each district of the presidency of Bombay to which this Act extends, Police force to be entertained in each district.

Government may, subject to the control of the Governor General in Council, establish and entertain a police force of such number in the several ranks and having such an organization and such duties, rights and authority as are hereinafter prescribed and provided for, and receiving such salaries and allowances as shall from time to time be directed and approved by the authorities aforesaid.

5. (1) For the direction and supervision of the police force of every portion of the presidency to which this Act extends, the Appointment and authority of Inspector General of Police. Governor in Council shall appoint an Inspector General of Police, who shall have such functions, authority and responsibility as are hereinafter provided, subject to the provisions of this Act, and to such rules and orders as may be made by Government in this behalf. New. Act X of 1882.

Bo. Act VII of 1867, s. 47.

New.

New.

Bo. Act VII of 1867, s. 1.

(2) The Inspector General may be suspended or removed from office by the Governor in Council.

His suspension or removal.

Bo. Act VII of 1867, s. 5.

6. The Governor in Council may appoint for each district a Superintendent and such Assistant Superintendents of Police as he may think expedient and may dismiss, suspend, reduce, remove or transfer any of such officers as he may think fit.

7. Each Commissioner throughout the Commissioners and districts under his Inspectors to have control, and the Inspector General of Police throughout the presidency, shall have the powers of a Magistrate of the first class, but shall to exercise them under the orders of Government. exercise such powers subject to such limitation as may from time to time be imposed by the Local Government.

Cf. Bo. Act VII of 1867, s. 8.

8. The Inspector General may, subject to the orders of the Governor in Council, appoint such inspectors as shall be necessary for the service of each district.

9. Police officers below the grade of inspector shall be appointed in each district by the District Superintendent, subject to such rules as to sanction, designations, mutual relations and conditions of service as, consistently with the law at the time in force, Government may from time to time prescribe.

Cf. Bo. Act VII of 1867, s. 8.

10. An inspector shall, on appointment, receive from the Inspector General a certificate of appointment containing particulars of his race, name, age, caste or religion and of his previous service, if any.

11. (1) Every police officer below the grade of inspector shall, on enrolment, receive a certificate in the form of schedule B under the seal of the Magistrate of the District in which he is first enrolled.

Bo. Act V of 1867, s. 9.

(2) Every person to whom a certificate as aforesaid is given shall, in virtue thereof, be vested with the

Do.

Powers, &c., of holders of such certificates.

powers, functions, privileges and responsibilities of a police officer.

(3) a. Every such certificate shall become null and void whenever the person named therein for any reason ceases to belong to the police.

b. The powers, functions and privileges vested in any person by such certificate shall be temporarily suspended whilst such person is suspended from office. Such person shall not by reason of such suspension cease to be a police officer, but shall continue subject to the same responsibilities and subject to the same authorities as if no such suspension had taken place.

Such certificates when to become null and void.

Temporary suspension of powers, &c., of holders.

12. The District Superintendent shall, New. subject to the orders of the Inspector General, direct and regulate all matters of arms, drill, exercise, observation of persons and events, mutual relations, distribution of duties, study of laws, orders and modes of proceeding and all matters of executive detail in the fulfilment of their duties by the police force of his district.

General powers of District Superintendents.

13. (1) The District Superintendent New. and the police force of a district shall be under the command and control of the Magistrate of the District.

(2) In exercising authority under the preceding sub-section, the Magistrate of the District shall be governed by such rules and orders as the Governor in Council may from time to time make in this behalf and be subject to the lawful orders of the Commissioner.

Subject to rules and orders of Government and lawful orders of the Commissioner.

(3) The Inspector General shall be bound, in the rules and orders issued by him under this Act, to give furtherance to the purposes of sub-section (1).

Inspector General to give furtherance to purposes of sub-section.

14. If the Magistrate of the District New. considers that there is, or on any particular occasion will be, a pressing need for a police force that cannot be furnished by his own district, he shall communicate with the Inspector General, who shall, as

Additional police force to be furnished to any district by the Inspector General on requisition of District Magistrate.

his own district, with the Inspector

far as possible, comply with the requisitions of the Magistrate of the District.

New.

15. The Magistrate of the District

District Superintendent may be required by District Magistrate to furnish reports.

may require from the District Superintendent reports, either particular or general, on any matter connected with crimes, the condition of the criminal classes, the prevention of disorders, the regulation of assemblies and amusements, the distribution of the police force, the utilization of auxiliary means and all other matters in furtherance of his control of the police force and the maintenance of order.

New.

16. If the Magistrate of the District

District Magistrate's general powers of supervising the police force of his district.

observes marked incompetence or unfitness for the locality or for his particular duties in any officer subordinate to the District Superintendent, he may call on the District Superintendent to replace such subordinate by some other and the District Superintendent shall, if such officer was appointed by a District Superintendent, give effect, as far as he is able, to the direction of the Magistrate of the District, and if such officer was appointed by the Inspector General, shall report the circumstances to that officer, who shall give careful attention to the views of the Magistrate of the District in determining the measures to be taken, and shall inform him of the same.

New.

17. (1) A Commissioner may make

Power of Commissioner to issue directions in respect of employment of police force.

any order with respect to the employment of the police force in any district within the division subject to his authority, which the Magistrate of the District might make, and may also in case of emergency direct any portion of such force employed in one part of such division to be employed in any other part thereof.

(2) An order under sub-section (1) shall

Such direction ordinarily to be to the District Magistrate and to be communicated to the Commissioner.

ordinarily be directed to the Magistrate of the District concerned, but may when necessary be addressed directly to the District Superintendent, in which case it shall be communicated to the Magistrate of the District. The order shall in each case be communicated by the Commissioner to the Inspector General.

18. In such matters falling under his

Commissioner may call Inspector General's attention to defects in the police of his division.

observation as lie within the sphere of authority of the Inspector General, a Commissioner may call the Inspector General's attention to defects of system or of personal competence in the police of any portion of the division subject to his authority. It shall be incumbent on the Inspector General to give careful attention to any such representation and, as far as may be, to remedy defects and to remove causes of complaint. He shall communicate the steps taken by him to the Commissioner.

19. A Commissioner may call on the

Commissioner may call on District Magistrate for reports on state of crime, &c. and issue orders thereon.

Magistrate of a District for such reports and information connected with the state of crime in his district and with the distribution of the police therein and on the arrangements for repressing offences and disorder, as he may think necessary as a means towards the good administration of the division subject to his authority, and may thereon issue such orders as shall be conformable to law.

20. A Commissioner shall have authority

Commissioner may investigate all matters of police accounts.

to investigate all matters connected with the police within the division subject to his authority and all persons concerned shall be bound to give him reasonable aid and facilities in conducting such investigations.

Special.

21. (1) Whenever it shall appear to

Appointment of special police officers.

a Magistrate of the 2nd class or of higher rank having jurisdiction at a town or place that any unlawful assembly, riot or other disturbance of the peace has taken place or is reasonably apprehended and that the available police force is not sufficient for the preservation of the peace and for the protection of the inhabitants and the security of property in the local area in which such unlawful assembly, riot or other disturbance has taken place or is apprehended, such Magistrate may, on the application of any police officer not lower in rank than a chief constable, by a written order signed by himself and sealed with his official seal, appoint to be special police officers for such time and within

Cf. Act V of 1861, s. 17. 1 and 2 Will. IV, c. 41. s. 1. 5 and 6 Will. IV, c. 43.

such limits as he shall think necessary, so many persons fit and willing to act as such officers as he shall think proper.

Act V of 1861, s. 18. 1 and 2 Will. IV, c. 41, s. 5.

(2) Every special police officer so appointed shall have the same powers, functions, privileges and immunities and be liable to the same duties and responsibilities and be subject to the same authorities as an ordinary police officer; but it shall not be necessary for him to receive a certificate of office under section 11.

Additional and Punitive.

Bo. Act VII of 1867, s. 14.

22. (1) Subject to the general direction of the Magistrate of the District, any District Superintendent, on the application of any person showing the necessity therefor, may depute any additional number of police to keep the peace or to perform other police duties at any place within the district.

(2) Such additional police shall be employed at the charge of the person making the application, but shall be subject to the orders of the police authorities and shall be employed for such period as the Magistrate of the District or District Superintendent thinks fit:

(3) Provided that if the person upon whose application such additional police are employed shall at any time make a written requisition to the Magistrate of the District or the District Superintendent for the withdrawal of the said police, he shall be relieved from the charge therefor on the expiration of such period not exceeding one month from the date of delivery of such requisition as the Magistrate of the District or the District Superintendent shall determine.

Bo. Act VII 1886, s. 15. 1 and 2 Vic., c. 80.

23. (1) Whenever it shall appear to any Magistrate of a District that the behaviour, or a reasonable apprehension of the behaviour, of the persons employed on any railway, canal or other public work, or in or upon any manufactory or other commercial concern under construction or in operation at any place within his district necessitates the employment of additional police at such place, such Magistrate may, with the sanction of Government, depute such additional

police to the said place as he shall think fit and keep the said police employed at such place for so long as such necessity shall appear to him to continue.

(2) Such additional police shall be employed at the charge of the person by whom the work, manufactory or concern is being constructed or carried on and the said person shall pay the charges therefor at such rates and at such times as the Magistrate of the District, with the sanction of Government, shall from time to time require.

24. (1) The Governor in Council may, from time to time, by notification in the *Bombay Government Gazette*, direct the employment of additional police for such period as he shall think fit in any local area which shall appear to him to be in a disturbed or dangerous state, or in which the conduct of the inhabitants or of any particular section of the inhabitants shall, in his opinion, render it expedient temporarily to increase the strength of the police.

(2) The cost of such additional police shall, if Government so direct, be defrayed, either wholly or partly, by a rate charged on the inhabitants generally or on any particular section of the inhabitants of the local area to which the notification applies.

(3) 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 rate is to be imposed is a municipal district, the amount of the charge shall be paid by the municipality from the municipal fund and the rate shall be assessed by the municipality conformably to the direction given by Government under sub-section (2).

25. (1) Every rate assessed under the last preceding section or other provision of this Act by a municipality shall be recovered by such municipality in the same manner as a municipal tax.

(2) Every rate assessed by the Collector under the said section and every sum payable on account of additional police employed under section 22 or 23 shall, if not paid when the same becomes due, be recoverable by the Collector as if it were an arrear of land revenue due by the person answerable therefor.

Recovery of rates and charges under last three sections.

Bo. Act VII of 1867, s. 17.

CHAPTER III.—REGULATION, CONTROL AND DISCIPLINE OF THE POLICE FORCE.

Bo. Act VII of 1867, s. 13.

26. Subject to the orders of Government, the Inspector General may from time to time make rules or orders not inconsistent with this Act or with any other enactment at the time in force :

(a) relating to the organization, classification and discipline of the police ;

(b) regulating the inspection of the police by his subordinates ;

(c) determining the description and quantity of arms, accoutrements, clothing and other necessaries to be furnished to the police ;

(d) for the institution, management and regulation of any police fund for any purpose connected with police administration ;

(e) regulating the distribution, movements and location of the police ;

(f) regulating the duties of police officers of different grades ;

(g) regulating the collection and communication by the police of intelligence and information ;

(h) generally for the purpose of rendering the police efficient and preventing abuse or neglect of their duties.

New.

27. The Inspector General of Police may, subject to the rules and orders of Government, call for such returns, reports and statements on subjects connected with the suppression of crime, the maintenance of order and the performance of their duties, as his subordinates may be able to furnish to him. He will communicate to the Magistrate of the District and the Commissioner any general orders issued by him for the purposes aforesaid or in consequence of the information furnished to him.

Bo. Act VII of 1867, s. 8.

28. (1) The Governor in Council, or any officer authorized by sub-section (3) in that behalf, may suspend, reduce or dismiss any police officer whom he shall think cruel, perverse, remiss or negligent in the discharge of his duty or unfit for the same, and may fine, to an amount not exceeding one month's pay, any police officer below the grade of Assistant Superintendent who is guilty of any breach of discipline or misconduct which does not require his sus-

Act XIII of 1856, s. 11.

pension or dismissal or who, by any act of his own, renders himself unfit for the discharge of his duty.

(2) Any punishment inflicted on a police officer under this section shall be in addition to the penalty to which such officer is liable under section 35, 57 or 58 of this Act or any other law in force.

(3) The Inspector General shall have authority to punish an inspector under sub-section (1). A District Superintendent shall have the like authority in respect of any police officer subordinate to him below the grade of inspector and may suspend an inspector who is subordinate to him, pending inquiry into a grave complaint against such inspector and until an order of the Inspector General can be obtained. But the exercise of any power conferred by this sub-section shall be subject always to such rules and orders as may be made by Government in that behalf.

29. When any officer passes an order for fining, suspending, reducing or dismissing a police officer, he shall record such order or cause the same to be recorded, together with the reasons therefor and a note of the inquiry made, in writing, under his signature in the language of the district or in English.

30. (1) The Inspector General and any District Superintendent and any Assistant Superintendent in charge of a portion of a district may punish, by confinement in a guard-room for a period not exceeding three days, any police officer below the rank of head-constable who is, in his presence, grossly insubordinate or who is insolent to him.

(2) Every order for punishing a police officer as aforesaid shall be recorded in the manner prescribed in section 29 and a copy of every such order made by a District Superintendent or an Assistant Superintendent shall be forwarded by him to his immediate superior.

31. Every police officer shall, for all purposes of this Act, be deemed to be always on duty in the area for which he is appointed or to which he is lawfully transferred, and any police

Bo. Act VII of 1867, s. 20.

Cf. Indian Articles of War, No. 37 (Act V of 1869).

Police officers to be deemed to be always on duty and to be liable to employment in any part of the presidency.

officer and any number or body of police officers appointed for one part of the presidency may, if the Government or the Inspector General so direct, at any time be employed on police duty in any other part of the presidency for so long as the services of the same may be there required.

Bo. Act V of 1879, s. 31 (1).

32. (1) No police officer shall engage in trade or be in any way concerned, either as principal or agent, in any commercial transaction whatever.

(2) No police officer under the rank of Assistant Superintendent shall, unless with the written permission of the Inspector General, hold any office or practice in any profession or engage in any employment whatever, other than his office or duties as such police officer.

(3) The prohibitions in sub-sections (1) and (2) apply when a police officer is on leave or under suspension.

33. (1) Unless with the written permission of the District Superintendent or of some other police officer empowered by the Inspector General to grant such permission, no police officer under the rank of Assistant Superintendent shall resign his office or withdraw himself from the duties thereof, until :

(a) the expiration of two months after written notice of his intention so to do has been given by him to the District Superintendent ;

(b) he has fully discharged any debt due by him, as such police officer, to Government or to any police fund :

(2) Provided that if any such police officer produces a certificate signed by the Civil Surgeon declaring him to be unfit by reason of disease or mental or physical incapacity for further service in the police, the necessary written permission to resign shall forthwith be granted to him, on his discharging or giving satisfactory security for the payment of any debt due by him as aforesaid.

(3) If any such police officer as aforesaid resigns or withdraws himself from the duties of his office in contravention of this section, he shall be liable, on the order of the District Superintendent, to forfeit all arrears of pay then due to him. This forfeiture shall be in addition to the penalty to which the said officer is liable under section 35 or other law in force.

Pay of a police officer contravening this section may be forfeited.

34. (1) Every person who for any reason ceases to be a police officer shall forthwith deliver up to some officer empowered by the District Superintendent to receive the same, his certificate of appointment or of office and the arms, accoutrements, clothing and other necessaries which have been furnished to him for the execution of his office.

(2) Any Magistrate and, for special reasons which shall if not delivered up may be seized under a search warrant.

Every warrant so issued shall be executed in accordance with the provisions of the Code of Criminal Procedure, 1882, by a police officer or, if the Magistrate or District Superintendent issuing the warrant deems fit, by any other person.

(3) Nothing in this section shall be deemed to apply to any article which, under the orders of the Inspector General, has become the property of the person to whom the same was furnished.

35. (1) Any police officer who :

(a) contravenes any provision of section 32, when such contravention does not amount to an offence under section 168 of the Indian Penal Code ; or

(b) is guilty of cowardice ; or
(c) resigns his office or withdraws himself from the duties thereof in contravention of section 33 ; or

(d) is guilty of any wilful breach or neglect of any provision of law or of any rule or order which, as such police officer, it is his duty to observe or obey, and for which no punishment is expressly provided by any other law in force ; or

Bo. Act VII of 1867, s. 11.

Except with permission, police officers under the rank of Assistant Superintendent not to be otherwise employed.

Reg. v. Dosoo Omer, B. H. C. 3rd August 1871 (vide note to s. 11. Bo. Act VII of 1867 in Birdwood's Bombay Code.)

Bo. Act VII of 1867, s. 10.

Under what conditions police officer may resign.

Bo. Act VII of 1867, ss. 9 and 25.

Bo. Act XIII of 1856, s. 16.

Bo. Act V of 1876, s. 40. Act X of 1882.

Bo. Act VII of 1867, s. 26.

Act XLV of 1860

Bo. Act VII of 1867, s. 26.

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Bo. Act VII
of 1867, s. 26.

(e) is guilty of any violation of duty for which no punishment is expressly provided by any other law in force ;

shall be punished with imprisonment for a term which may extend to three months, or with fine which may extend to the amount of three months' pay of such officer or with both.

Vide Imp. v.
Shek Sultan
(Bo. H. Ct.'s
Cri. Rulings
No. 17,
March 1886.)

(2) A police officer who, being absent on leave, fails, without reasonable cause, to report himself for duty on the expiration of such leave shall, for the purposes of clause (c), be deemed to withdraw himself from the duties of his office within the meaning of section 33.

Bo. Act VII
of 1867, s. 25.

36. Any police officer who wilfully neglects or refuses to deliver up his certificate of appointment or of office or any other article, in accordance with the provision of sub-section (1) of section 34, shall be punished with imprisonment for a term which may extend to one month or with fine which may extend to two hundred rupees or with both.

CHAPTER IV.—POLICE REGULATIONS.

37. (1) In any town or other place in which he thinks fit, the Magistrate of the District may from time to time and subject to such orders as may have been made by a municipal or other authority empowered in that respect make rules or orders :

Rules may be made by District Magistrate regarding use of streets, &c. which he thinks fit, the Magistrate of the District may from time to time and subject to such orders as may have been made by a municipal or other authority empowered in that respect make rules or orders :

(a) closing certain streets, or places temporarily, in cases of danger from ruinous buildings or other cause, with such exceptions as shall appear reasonable ;

(b) for guarding against injury to persons and property in the construction, repair and demolition of buildings, platforms and other structures from which danger may arise to passengers, neighbours, or the public ;

(c) prohibiting the taking of any elephant or wild animal along any street without the permission of such local police officer as the District Superintendent appoints to give such permission ;

(d) prescribing certain hours of the day during which ordure and offensive matter or objects shall not be taken from or into houses or buildings in certain

streets or conveyed through such street, and during which cattle shall not be driven along the streets, or along certain specified streets, without the permission of such local police officer as aforesaid ;

(e) prohibiting the setting fire to or burning any straw or other matter, or lighting a bonfire or wantonly discharging a fire-arm or air-gun, or letting off or throwing a firework or sending up a fire-balloon in or upon or within fifty feet of a street or building, or the putting up of any post or other thing on the side of or across a street for the purpose of affixing thereto lamps or other contrivances for illumination, except at such times and in such localities as shall from time to time be allowed by such resident Magistrate or local police officer as the Magistrate of the District appoints in this behalf ;

(f) prohibiting except under such reasonable regulations as the Magistrate of the District may impose the placing of building materials, or other articles or the fastening or detention of any horse or other animal in any street ;

(g) prohibiting save under such regulations as aforesaid the exposure or movement in any street of persons suffering from contagious or infectious diseases and the corpses of persons deceased ;

(h) setting apart places for the slaughtering of animals, the cleaning of carcasses or hides, the deposit of noxious or offensive matters, and for obeying calls of nature ;

(j) in cases of existing or apprehended epidemic or infectious disease of men or animals with respect to cleanliness and disinfection of premises by the occupier thereof and residents therein, and as to the segregation and management of the persons or animals diseased or supposed to be diseased as may have been directed or approved by Government with a view to prevent the disease or to check the spreading thereof ;

(k) setting apart public wells, tanks reservoirs, ponds, pools, aqueducts, parts of rivers, streams, nálas or other sources or means of water-supply for use for the purpose of obtaining drinking water or for washing, bathing or any other special purpose and preventing pollution of the same so as to render them unfit for use ;

Act XLVIII
of 1860, s. 19
(8).

New.

Reg. XII of 1827, s. 19 (1).

(1) regulating the hours during which and the manner in which any place for the disposal of the dead, any dharmshala, village-gate or other place of public resort may be used so as to secure the equal and appropriate application of its advantages and accommodation and to maintain orderly conduct amongst those who resort thereto.

(2) Every rule or order made by the Magistrate of the District under clause (c), (d), (e), (f), or (g), shall be published by affixing a copy thereof, in the language of the district, in the *chavdi* or in some other public building in the town or place in which the same is to have operation, and a copy, in the language of the district, of every rule or order made under clause (a), (b), (j), (k), or (l) shall be kept affixed in a conspicuous spot near to the building, structure, work or place to which the same relates; and it shall be the duty of all persons concerned to conform thereto.

(3) Every rule promulgated under the authority of article (j) of clause (1) of this section, shall be forthwith reported to Government and shall be in force for not more than fifteen days unless extended by Government for a longer period and in such case for so long as Government directs.

Act XLVIII of 1870, s. 20.

38. Every Magistrate of a District may from time to time make rules for the blasting of rocks or for making excavations in or near any street in any town or village in his district and may provide in such rules for the grant of licenses for such operations.

Act XLVIII 1860, s. 14.

39. On complaint being made to a Magistrate of a District or of a Sub-division that any house in a town or village in his district to which the Governor in Council has by notification in the *Bombay Government Gazette* extended this section, is used as a common brothel or lodging-house or place of resort for prostitutes or disorderly persons of any description, to the annoyance of the respectable inhabitants of the vicinity, the said Magistrate may summon the owner or tenant of the house to answer the complaint, and on being satisfied that the house is so used may order the owner or tenant, within a reasonable period which shall be prescribed in the order, to discontinue such use of it.

40. (1) The Magistrate of the District New- or in his absence the Magistrate chief in rank of those having jurisdiction in any town or village and present therein or in the neighbourhood thereof, may, whenever and for such time as it shall appear necessary, by a notification publicly promulgated or addressed to individuals, prohibit in such town or village or the vicinity thereof the carrying of arms, cudgels or other weapons, the exhibition of persons or of corpses or figures thereof, the public utterance of cries, singing of songs, delivery of harangues and use of gestures or mimetic representations and the preparation, exhibition or dissemination of pictures, symbols, placards or of any other object or thing, which may be of a nature to outrage morality or decency or, in the opinion of such Magistrate, may probably inflame religious animosity or hostility between different classes or incite to the commission of an offence, to a disturbance of the public peace or to resistance to or disregard of the law.

(2) If in any town or village there are two or more Magistrates of equal rank having jurisdiction therein, a prohibition as aforesaid may be made by any one of them.

41. (1) Whenever it shall appear to the Magistrate of a District that any place in the district, at which, on account of a fair, pilgrimage or other such occurrence, large bodies of persons have assembled or are likely to assemble, is visited or will probably be visited with an outbreak of any epidemic disease, he may take such special measures and may by public notice prescribe such regulations to be observed by the residents of the said place and by persons present thereat or repairing or proposing to repair thereto or returning or proposing to return therefrom as he shall deem necessary to prevent the outbreak of such disease or the spread thereof.

Cf. Penal Code, s. 271.

(2) It shall be lawful for the Magistrate of the District or for the Collector on the requisition of the Magistrate of the District subject to the orders of Government:

(a) to assess and levy such reasonable fees on persons falling under the provisions of sub-section (1) as will provide for the expenses of the arrangements for sanitation and the preservation of order at and about the place of assemblage;

Issue of orders by Magistrates for prevention of disorder.

Levy of fees in such cases.

(b) when the place of assemblage is within the limits of a municipality such sums as shall be necessary for the purposes aforesaid may be recovered from the municipality.

New.

42. Whenever it shall appear to the Magistrate of a District or to any Sub-divisional Magistrate that the movement or encampment of any gang or body of persons in the district is causing or is calculated to cause danger or alarm or reasonable suspicion that unlawful designs are entertained by such gang or body or by members thereof, such Magistrate may, by notification addressed to the persons appearing to be the leaders or chief men of such gang or body and published by beat of drum or otherwise as such Magistrate thinks fit, direct the members of such gang or body so to conduct themselves as shall seem necessary in order to prevent violence and alarm, or to disperse and each of them to remove himself to such place by such route as such Magistrate shall prescribe.

New.

43. (1) For the purpose of preventing disorder or breach of the law or manifest and imminent danger to these assembled, at any public place of amusement or at any assembly or meeting to which the public are invited or which is open to the public, the senior police officer of highest rank superior to that of constable, present in the town or village where such place of amusement is situate or such assembly or meeting is to be held, may, subject to such rules and orders as may have been lawfully made, give such reasonable directions as to the mode of admission of the public to, and for securing the peaceful and lawful conduct of the proceedings at, such place of amusement or such assembly or meeting, as he thinks necessary; and all persons shall be bound to conform to every such reasonable direction.

(2) The police shall have free access to every such place of amusement, assembly or meeting, for the purpose of giving effect to the provisions of sub-section (1) and to any direction made thereunder.

44. The District Superintendent or an Assistant Superintendent may, subject to any rule or order which may at any time be legally made by any Magistrate,

Police to regulate assemblies, &c., in public streets.

Ho. Act VII of 1867, ss. 27 and 30.

or other authority duly empowered in this behalf;

(a) make rules for and direct the conduct of assemblies and processions on or along the streets, and prescribe, in the case of processions, the routes by which, the order in which, and the times at which the same may pass;

(b) regulate and control, by the grant of licenses or otherwise, the playing of music, the beating of drums, tom-toms or other instruments and the blowing or sounding of horns or other noisy instruments in or near a street;

(c) make reasonable orders subordinate to and in furtherance of any order made by a Magistrate under sections 37—42 of this Act.

45. (1) The District Superintendent may by public notice, require every dog, while in the streets and not led by some person, to be muzzled in such a manner as will admit of the animal breathing and drinking without obstruction and effectually prevent it from biting, and the police may, except as is hereinafter in sub-section (2) provided, destroy any dog found loose in any place beyond the premises of the owner thereof during the currency of such order or may take possession of any such dog and detain the same until the owner has claimed it, has provided a proper muzzle and has paid all expenses connected with such detention.

Metropolitan Streets Act, 1867 (30 & 31 Vic., c. 134), s. 18.

(2) The police shall not destroy any dog which wears a collar bearing the owner's name, unless such dog is rabid, until the same has remained in their possession for three clear days without the owner claiming it and paying all expenses incurred by its detention; but may sell or destroy any dog which has remained in their possession for the said period without the owner claiming it and paying the said expenses.

When dogs may be destroyed or sold by the police.

(3) When any dog taken possession of by the police wears a collar with the address of any person inscribed thereon, a letter stating the fact of such dog having been taken possession of shall be forthwith sent by post to the said address.

46. Every power conferred by this chapter on a District Superintendent or officer subordinate to him shall be exer-

Powers under this chapter to be exercised by District Superintendent subject to control

of District Magistrates and by District Magistrates subject to control of Government. cised by him subject to the orders of the Magistrate of the District, and all rules, regulations and orders made by the Magistrate of the District under this chapter shall be subject to the provisions of section 13 (2).

CHAPTER V.—EXECUTIVE POWERS AND DUTIES OF THE POLICE.

47. (1) Every police officer shall :

(a) promptly obey and execute every warrant or other order lawfully issued to him by competent authority ;

(b) to the best of his ability, obtain intelligence concerning the commission of cognizable offences or designs to commit such offences, and lay such information and take such other steps, consistent with law and with the orders of his superiors, as shall be best calculated to bring offenders to justice or to prevent the commission of such offences ;

(c) to the best of his ability, prevent the commission of public nuisances ;

(d) apprehend all persons whom he is legally authorized to apprehend and for whose apprehension there is sufficient reason ;

(e) discharge such duties as are imposed upon him by any law relating to revenue or other law at the time in force.

(2) Every police officer may, subject to the rules and orders made by Government or by a person lawfully authorised, enter for any of the said purposes, without a warrant, and inspect any place of public resort and any place which he has reason to believe is used as a drinking-shop, or a shop for the sale of intoxicating drugs or a place of resort of loose and disorderly character.

48. It shall be the duty of every police officer :

(a) to afford every assistance within his power to disabled or helpless persons in the streets and to take charge of intoxicated persons and lunatics at large who appear dangerous or incapable of taking care of themselves ;

(b) to take prompt measures to procure necessary help for any person under arrest or in custody, who is wounded or sick, and, whilst guarding or conducting any such person, to have due regard to his condition ;

(c) to arrange for the proper sustenance of every person who is under arrest or in custody ;

(d) in conducting searches, to refrain from needless rudeness and the causing of unnecessary annoyance ;

(e) in dealing with women and children, to act with strict regard to decency and with reasonable gentleness ;

(f) to use his best endeavours to prevent any loss or damage by fire ;

(g) to use his best endeavours to avert any accident or danger to the public.

49. (1) It shall be the duty of the police :

(a) to regulate and control the traffic in the streets, to prevent obstructions therein and, to the best of their ability, to prevent the infraction of any rule or order made under this Act or any other law in force for observance by the public in or near the streets ;

(b) to keep order in the streets and within public places, and to keep order in the streets and other public places ; and to regulate resort to public bathing, washing, and landing places, fairs, temples and all other places of public resort and in the neighbourhood of places of public worship during the time of public worship ;

(c) to regulate resort to public bathing, washing and landing places, to prevent overcrowding thereat and in public ferry-boats and, to the best of their ability, to prevent the infraction of any rule or order lawfully made for observance by the public at any such place or on any such boat.

(2) All persons shall be bound to conform to the reasonable directions of a police officer given in fulfilment of any of the said duties.

Bo. Act VII of 1867, s. 21. Cf. Chap. XIII of the Cri. Pro. Code.

Town Police Clauses Act, 1847 (10 and 11 Vic., c. 89), s. 14.

Bo. Act VII of 1867, ss. 28 and 30.

Bo. H. C. R., 2 Cr. Ca.

New.

Duties of police officers toward the public.

New.

50. Whenever a notification has been duly issued under section 40, it shall be lawful for any Magistrate or police officer

Enforcement of orders issued under section 40.

to require any person acting or about to act contrary thereto to desist or to abstain from so doing, and, in case of refusal or disobedience, to arrest the person offending. Such Magistrate or police officer may also seize any object or thing used or about to be used in contravention of such notification as aforesaid and the thing seized shall be disposed of according to the order of any Magistrate having jurisdiction at the place.

New.

51. It shall be the duty of the police to see that every regulation and notification made by the Magistrate of the District under section 41,

Duty of the police to see orders issued under section 41 or 42 carried out.

or by the Magistrate of the District or a Sub-divisional Magistrate under section 42 is duly obeyed, to warn persons who from ignorance fail to obey the same and to arrest any person who wilfully disobeys the same.

Bo. Act VII of 1867, s. 24.

52. The police shall take temporary charge of all unclaimed property found by or made over to them ;

Police to take charge of unclaimed property.

and shall deliver all such property to the police patel, if any, of the town or village in which the same was found and take a receipt therefor, from the patel who shall forward such property to the Magistrate to whom such police patel is subordinate. If there be no police patel of such town or village, the police shall forthwith report to such Magistrate as the Magistrate of the District shall from time to time appoint in this behalf, and act thereafter as the said first-mentioned Magistrate shall direct.

Cf. Bo. Act VIII of 1867, s. 19 and Reg. XII of 1827, s. 11 (8).

New.

53. (1) If the property regarding which a report is made to a Magistrate under the last preceding section or under section 19 of the Bombay Village Police Act, 1867, appears to such Magistrate to have been left by a person who has died intestate and without known heirs and to be likely, if sold in public auction, to realize more than ten rupees net proceeds, he shall communicate with the District Judge with a view to its being dealt with under the provisions of section 10 of Regulation VIII of 1827 (*a Regulation to provide for the formal recognition of heirs, &c.*) or other law in force.

Bo. VIII of 1867.

(2) In any other case the Magistrate shall issue a proclamation specifying the articles of which such property consists, and requiring any person who may have a claim thereto to appear before himself or some other officer whom he appoints in this behalf and establish his claim within six months from the date of such proclamation. If no person within such period establishes his claim to such property, it shall be at the disposal of Government, and may be sold in public auction under the orders of the Magistrate.

Cf. Cri. Pro. Code, s. 523, para. 2 and s. 524.

(3) The provisions of section 10 of the Regulation aforesaid shall be deemed not to apply to intestate property which is dealt with by a Magistrate under sub-section (2).

54. If the property regarding which a report is made as aforesaid is subject to speedy and natural decay or consists of live-stock, or appears to be of less value than five rupees, the Magistrate may at once direct it to be sold in public auction and the provisions of the last preceding section shall, as nearly as may be practicable, apply to the net proceeds of such sale.

Power to sell perishable property at once.

Cf. Cri. Pro. Code, s. 525.

CHAPTER VI.—OFFENCES AND PUNISHMENTS.

55. In any local area to which the Governor in Council by notification in the *Bombay Government Gazette* from time to time extends this section or any part thereof of whoever contrary thereto :

Punishment of certain street offences and nuisances.

(a) without lawful excuse drives along, or keeps standing in, any street a vehicle of any description at any time between three-quarters of an hour after sunset and one hour before sunrise, without a sufficient light, except when there is sufficient moonlight to render such light unnecessary ;

Bo. Act VIII of 1867, s. 31 (3).

(b) drives a vehicle of any description along a street and does not keep (except in cases of actual necessity or of some sufficient reason for deviation) on the left side of such street when meeting any other vehicle, or on the right side of such street when passing any other vehicle ;

Bo. Act VII of 1860, s. 19 (4). Town Police Clauses Act, 1847 (10 and 11 Vic. c. 89), s. 22.

Bo. Act VII
of 1867, s. 31
(3).

(c) leaves in any street insufficiently tended or secured leaving cattle, &c., in- sufficiently tended; any animal or vehicle;

Act XLVIII
of 1860, s. 19
(7).

(d) causes obstruction in any street or mischief by any obstruction or causing mischief by animals; misbehaviour, negligence or ill-usage in the driving, management or care of any animal;

Act XLVIII
of 1860, s. 19
(6).

(e) exposes for hire or sale any animal or vehicle, cleans exposing animal for hire or sale, &c. any furniture or vehicle or cleans, grooms, trains or breaks in any horse or other animal or makes or repairs any vehicle or any part of a vehicle in any street (unless when in the case of an accident repairing on the spot is necessary) or carries on therein any manufacture or operation so as to be a serious impediment to traffic or a serious annoyance to residents or to the public;

Bo. Act VII
of 1860, s. 31
(3).

(f) causes obstruction in any street by allowing any causing any obstruction in a street; animal or vehicle which has to be loaded or unloaded or to take up or set down passengers, to remain or stand therein longer than may be necessary for such purpose, or by leaving any vehicle standing or fastening any cattle therein, or using any part of a street as a halting-place for vehicles or cattle or by leaving any box, bale, package or other thing whatsoever in or upon a street for an unreasonable length of time, or by exposing anything for sale or setting out anything for sale in or upon any stall, booth, board, cask, basket or in any other way whatsoever;

Act XLVIII
of 1860, s. 19
(3).

(g) causes obstruction on any footway or danger, alarm or annoyance by obstructing a foot- way; driving, riding or leaving any animal or driving or drawing any vehicle thereupon or fastening any animal so that the same can stand across or upon such footway;

(h) exhibits contrary to any regulation made and notified exhibiting mimetic, musical or other performances, &c. by the Magistrate of the District any mimetic, musical or other performances of a nature to attract crowds or carries or places bulky advertisements, pictures, figures, and emblems in any street whereby an obstruction to passengers or annoyance to the inhabitants may be occasioned;

(i) slaughters any animal, cleans a carcass or hide, (4) Bo. Act VII of 1867, s. 31

offensive acts on or near public streets; obeys a call of nature or bathes or washes his person in or near to and within sight of a street (except in some place set apart for the purpose by order of the District Magistrate or of some other person having lawful authority in that behalf), so as to cause annoyance to the neighbouring residents or to passers-by;

(k) negligently lets loose any horse or suffers a ferocious dog to be at large without a muzzle, or sets on or urges a dog or other animal to attack, worry or put in fear any person or horse or other animal; Act XLVIII of 1860, s. 19 (6).

letting horses loose and suffering unmuzzled ferocious dogs to be at large; muzzles, or sets on or urges a dog or other animal to attack, worry or put in fear any person or horse or other animal;

(l) bathes or washes in or by the side of a public well, tank, reservoir, pond, pool, aqueduct or part of a river, stream, nála or other source or means of water-supply not set apart for such purpose by order of the District Magistrate or of some other person having lawful authority in that behalf; Bo. Act VII of 1867, s. 3 (2).

bathing or washing in places not set apart for those purposes; of a river, stream, nála or other source or means of water-supply not set apart for such purpose by order of the District Magistrate or of some other person having lawful authority in that behalf;

(m) defiles, or causes to be defiled, the water in any public well, tank, reservoir, pond, pool, aqueduct or part of a river, stream, nála or other source or means of water-supply, so as to render the same less fit for any purpose for which it is set apart as aforesaid; Bo. Act VII of 1867, s. 31 (2).

Defiling water in public wells, &c.; water in any public well, tank, reservoir, pond, pool, aqueduct or part of a river, stream, nála or other source or means of water-supply, so as to render the same less fit for any purpose for which it is set apart as aforesaid;

(n) obstructs or incommodes a person bathing at a place or set apart for that purpose as aforesaid, by wilful intrusion or by using such place for any purpose for which it is not so set apart; Act XLVIII of 1860, s. 19 (18).

obstructing bathers; set apart for that purpose as aforesaid, by wilful intrusion or by using such place for any purpose for which it is not so set apart;

(o) wilfully and indecently exposes his person, uses indecent language or behaves indecently or riotously or in a disorderly manner in a street or place of public resort, or in any public office, station or station-house; Bo. Act VII of 1867, s. 31 (4).

indecent behaviour in public; behaves indecently or riotously or in a disorderly manner in a street or place of public resort, or in any public office, station or station-house;

(p) is drunk and incapable of taking care of himself in a street or place of public resort; Act LXVIII of 1860, s. 22. Bo. Act VII of 1867, s. 31 (4).

drunkenness; public resort;

Bo. Act VII of 1867, s. 31

Act XLVIII of 1860, s. 19 (6).

Bo. Act VII of 1867, s. 3 (2).

*Vide Reg. v. *Chhotiram Bhaskar* (Bo. H. Court's Crim. Rule, 1st July—31st Dec. 1871).

Bo. Act VII of 1867, s. 31 (2).

Act XLVIII of 1860, s. 19 (18).

Bo. Act VII of 1867, s. 31 (4).

Act LXVIII of 1860, s. 22. Bo. Act VII of 1867, s. 31 (4).

Act XLVIII of 1860, s. 19 (19), 2 & 3 Vic., c. 47 s. 54 (13).

(g) uses in any street any threatening, abusive or insulting words or behaviour, with intent to provoke a breach of the peace; or whereby a breach of the peace may be occasioned;

Bo. Act VII of 1867, s. 31 (4).

(r) begs or applies for alms or exposes or exhibits, with the object of exciting charity, any deformity or disease or any offensive sore or wound, in or near to and within sight of any street;

shall be punished with fine which may extend to fifty rupees.

Bo. Act VII of 1867, s. 31 (1).

56. Whoever cruelly beats, goads, overworks, ill-treats or tortures or causes or procures to be cruelly beaten, goaded, overworked, ill-treated, or tortured any animal;

shall be punished with imprisonment which may extend to one month or with fine which may extend to one hundred rupees or with both.

New, but of Act I of 1878, s. 18; Bo. Act V of 1878, s. 49, &c.

57. Any police officer who : (a) without lawful authority or reasonable cause, enters or searches or causes to be entered or searched any building, vessel, tent or place; or

(b) vexatiously and unnecessarily seizes the property of any person; or

(c) vexatiously and unnecessarily detains, searches or arrests any person; or

(d) offers any unwarrantable personal violence to any person in his custody;

(e) holds out any threat or promise not warranted by law to a person accused;

shall for every such offence be punished with fine which may extend to five hundred rupees.

New, but of Bo. Act V of 1878, s. 50.

58. Any police officer who vexatiously and unnecessarily delays forwarding any person arrested to a Magistrate or to any other authority to whom he is legally bound to forward such person shall be punished with fine which may extend to two hundred rupees.

Penalty for vexatious delay in forwarding a person arrested.

59. Whoever :

(a) contravenes any rule made under section 37, or

Penalty for contravention of rules under section 37 or of directions under section 49.

Bo. Act VII of 1867, s. 31.

(b) opposes or fails to conform to any direction given by the police under section 49;

(c) abets the commission of any offence under clause (a) or (b); shall be punished with fine which may extend to fifty rupees.

Bo. Act VII of 1867, s. 29.

60. Whoever contravenes any rule made under section 38

Penalty for contravening rules, &c. under section 38.

or any condition of any license granted under the said rules shall be punished with fine which may extend to one hundred rupees.

Act XLVIII of 1860, s. 20.

61. Whoever fails to comply with an order made under section 39 shall

Penalty for failure to comply with order under section 39. be punished with fine which may extend to twenty-five rupees for every day that such order continues to be disobeyed by him.

Act XLVIII of 1860, s. 14.

62. Whoever :

(a) disobeys an order lawfully made under section 40;

Bo. Act VII of 1867, s. 29.

(b) opposes or fails to conform to any direction given by the police under section 43; or

Penalty for contravention of rules or directions under sections 40, 43 and 44.

(c) opposes or disobeys any rule made or direction given by the police under section 44; or

(d) contravenes any condition of a license granted under clause (b) of the said section; or

(e) abets the commission of any offence under clause (a), (b), (c) or (d);

shall be punished with fine which may extend to two hundred rupees.

63. Whoever contravenes or abets the contravention of any regulation made under section 41

Penalty for contravening a regulation made under section 41.

shall be punished with imprisonment which may extend to three months or with fine which may extend to two hundred rupees or with both.

Cf. Penal Code, s. 271.

64. Whoever opposes or disobeys any direction given by a Magistrate of a District or a Sub-divisional Magistrate

Penalty for contravention of direction given under section 42.

under section 42 or abets opposition to, or disobedience of, any such direction, shall be punished with imprisonment which may extend to one month or with fine which may extend to one hundred rupees or with both.

New.

New. 65. Whoever opposes or fails forthwith to comply with any reasonable direction given by a Magistrate or a police officer under section 50, or abets opposition thereto or failure to comply therewith, shall be punished with imprisonment which may extend to three months or with fine which may extend to five hundred rupees or with both.

Bo. Act VII of 1867, s. 35. 66. Offences against this Act, when the accused person or any one of the accused persons is a police officer above the rank of a constable, shall be cognizable only by a Magistrate of the first class.

New. 67. It shall not be incumbent on the police to prosecute for an offence punishable under section 55, 56, 59, 61, 62, 63, or 64 when such offence has not occasioned serious mischief and has been promptly desisted from on warning given.

Bo. Act VII of 1867, s. 26. 68. Nothing in this Act shall be construed to prevent any person from being prosecuted under any other enactment for any offence made punishable by this Act or from being punished under any other enactment with a severer punishment than is provided for such offence by this Act: Provided that no person shall be punished twice for the same offence.

CHAPTER VII,
MISCELLANEOUS.

Bo. Act VII of 1867, s. 41. 69. All sums paid for the service of process by police officers and all rewards, forfeitures and penalties or shares thereof which are by law payable to police officers as informers, shall, except as hereinafter in this section provided, be credited to Government: Provided that, with the sanction of Government, or under any rule made by Government in that behalf, the whole or any portion of any such reward, forfeiture or penalty may for special services be paid to a police officer or be divided amongst two or more police officers.

Bo. Act V of 1867, s. 44. 70. Any Magistrate of a District may delegate to the District Superintendent any authority which such Magistrate himself possesses

for police purposes over any village police officer.

71. (1) No municipal or other local rates shall be payable to any municipality by Government on account of the occupation or use of any house or place by members of the police force for the convenient performance of their duties.

(2) It shall be the duty of a municipality within the limits of which a police force is stationed for the service of such municipality in preserving the peace, public order and safety and preventing crime, to provide on the requisition of Government such accommodation for the police so employed as shall be reasonably necessary or such portion thereof as to Government shall seem just and expedient.

(3) The provision of such accommodation or other fulfilment of the requirements of this Section shall be deemed a purpose of the Bombay District municipal Acts of 1873 and 1884.

Bo. Act VII of 1867, s. 42. 72. (1) Every prosecution of any person and every suit against any person which may be lawfully brought in respect of anything done or intended or alleged to have been done under the provisions of this Act or in the exercise of any power vested in such person in pursuance of this Act shall be instituted within six months from the date of the act complained of and not afterwards.

(2) Any such suit shall be dismissed;

(a) if the plaint does not expressly allege that the act complained of was done maliciously and without reasonable and probable cause;

(b) if the defendant has already been prosecuted criminally for the same act;

(c) if, in the case of a suit for damages, tender of sufficient amends shall have been made before the suit was brought or a sufficient sum of money is paid into Court, with costs, by or on behalf of the defendant, after the institution of the suit and before judgment.

73. Nothing in the Act shall affect any of the provisions of the Police Act, 1888.

Saving of Police Act, 1888.

SCHEDULE A.

(SEE SECTION 2).

Enactments repealed.

Number and year of enactment.	Title or subject.	Extent of repeal.
Bombay Regulation No. XII of 1827.	For the establishment of a system of Police throughout the Bombay Presidency.	So much of clauses 1, 6, 7 and 8 of section 19 as has not already been repealed.
<i>Acts of</i>	<i>the Governor of Bombay in Council.</i>	
VII of 1867	The Bombay District Police Act.	The whole Act, except sections 33 and 34.
III of 1886	The Bombay General Clauses Act.	So much of schedule B as relates to clauses 1, 6, 7 and 8 of section 19 of Regulation XII of 1827 and to any section of Bombay Act VII of 1867, except section 34.

SCHEDULE B.

(SEE SECTION 11).

Form of Police officer's Certificate of office.

A. B. has been appointed to the Police of the district of _____ and is vested with the powers, functions and privileges of a Police officer under the Bombay District Police Act, 1888.

STATEMENT OF OBJECTS AND REASONS.

The administration of the District Police of this presidency has been hitherto vested, subject to the superintendence and control of Government, in the Commissioners of divisions. Since the year 1885, an Inspector General of Police has been appointed, whose position and powers were provisionally determined by orders of Government. The experience since gained has enabled Government to arrive at clear views of the proper place of the Inspector General in the Police system. It has become necessary to give legislative definition to his authority and functions and in settling these to review and re-define the relations to the Police system of the Commissioners and District Magistrates. The constitution and working of the Police Forces established in other provinces of India, chiefly under the provisions of Act V of 1861, have been carefully considered as a source of improvement for the Bombay system and such provisions as could be beneficially adopted have been introduced into the present Bill in such modified forms as were necessary in order to reduce them to harmony with the general system. It has been thought desirable, while giving the Inspector General full control over the discipline and mechanism of the force, to maintain and emphasize the authority of the Magistrate of the District as one in whom to a certain extent centre both the magisterial and the executive local powers, and to confer a corresponding authority on each Commissioner within the area under his administrative control.

2. This Bill introduced for this purpose, and the opportunity has been taken of re-arranging the provisions of the Police law, of revising them with a view to the conditions of the present time and of introducing amongst them some new enactments suggested by the deficiencies of the present law.

Whenever extended authority has been given to the magistracy or the police for the purpose of preserving order and maintaining the general comfort of the public careful precautions have been taken to prevent abuse of the powers thus conferred. Some novel sections have been introduced for the purpose of securing gentleness and humanity on the part of the Police in the discharge of the necessarily harsh and invidious duties.

3. The Act will not in the first instance extend to Sind or to Aden and its dependencies. Full power is reserved to Government to extend to these places either the whole Act or such portions of it as shall seem appropriate. Several of the provisions of the Bill have a possible utility independent of the others and may be brought into operation, when the introduction of the Act as a whole might be premature or inadvisable.

(Signed) R. WEST.

11th December 1889.

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

J. J. HEATON,

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

Bombay, 11th December 1889.