



Bombay Government Gazette.

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Separate paging is given to this Part, in order that it may be filed as a separate compilation.

PART V.

PROCEEDINGS OF THE LEGISLATIVE DEPARTMENT, BOMBAY.

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. 7 of 1875.

A Bill to amend (Bombay) Act VIII. of 1867.

WHEREAS doubts have arisen whether a Police Patel, or other Village Police servant, may lawfully be suspended from office either during inquiry into alleged misconduct, or by way of punishment for misconduct, and it is expedient to remove such doubts; It is enacted as follows:—

I. This Act may be cited as “The Bombay Village Police Act Amendment Act, 1875.”

Short Title. Act Amendment Act,
1875.”

II. The following Section shall be substituted for Section nine of the Bombay Village Police Act, 1867 (namely):—

Now Section substituted for Section 9 (Bombay) Act VIII. of 1867.

“Any Police Patel, or member of a Village Establishment liable to be called on for the performance of Police duties, who shall be

Penalties for neglect of duty, &c.

careless or negligent in the discharge thereof, shall be liable to be fined under the order of any Magistrate of the 1st Class to any amount not exceeding the fourth part of the annual emoluments of his office.

“If he shall be accused of any violation of duty, or breach of rule, or of other misconduct which shall seem to such Magistrate to require a heavier punishment, he may suspend him from office during inquiry into such accusation, and at the close of such inquiry, if the said Magistrate shall consider him guilty of misconduct meriting such punishment, he may suspend him from office for a further period not exceeding six months, or dismiss him: Provided that no person of the rank of Patel shall be dismissed under this Section without the sanction of the Police Commissioner.”

III. After Section nine of the said
 New Section added after Section 9 (Bombay) Act VIII. of 1867. Act the following Section shall be inserted :—

“9 A.—Nothing in the last preceding Section shall affect the liability of any Police Patel or other mem-

ber of a Village Establishment to a criminal prosecution for any offence with which he may be charged.

“Any Magistrate of the 1st Class may suspend any person Accused may be suspended during trial. subjected to any such prosecution pending the inquiry and trial.

STATEMENT OF OBJECTS AND REASONS.

Under the provisions of (Bombay) Act VIII. of 1867 a Police Patel can be dismissed from office for misconduct, but his suspension was not provided for in cases where Government were not prepared to inflict upon him the heavier punishment. Section 57 of (Bombay) Act III. of 1874 contains a general provision that misconduct by officiating Watandars may be punished by suspension from office, but a further Section, 85, of the same Act expressly provides that nothing in that Act contained shall be deemed to affect Act VIII. of 1867 or any other law for the time being in force defining the duties and powers of Village Officers or imposing penalties for misconduct. In order to reconcile the two Acts (Bombay Acts VIII. of 1867 and III. of 1874) so far as they impose penalties on Police Patels guilty of misconduct the present Bill has been drafted.

23rd November 1875.

(Signed) A. ROGERS.

By order of His Excellency the Governor in Council,

W. LEE WARNER,
 Acting Under-Secretary to Government.

Bombay Castle, 23rd November 1875.