

## **Bombay Police Act, 1951**

**22 of 1951**

**[11th June 1951]**

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### **Bombay Police Act, 1951**

CHAPTER 1

Preliminary

**1. Short title extent and commencement :-**

(1) This Act may be called the Bombay Police Act, 1951.

[(2) It extends to the whole of the State of <sup>1</sup>[Gujarat].

<sup>2</sup>[(3) It shall come into force <sup>3</sup>[in the Pre Re-organisation of State of Bombay] on such date as the State Government may, by notification in the Official Gazette, <sup>4</sup> [specify in this behalf, and in that part of the State to which it is extended by the Bombay Police (Extension and Amendment) Act, 1959, (Bom. XXX IV of 1959). It shall come into force on such other date as this Government may like by notification specify].

This word was substituted for the word "Bombay" by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

Sub-section (3) shall remain unmodified *ibid*.

These words were inserted, by Bom. 34 of 1959, s. 4 (2).

These words were substituted for the words "specify in this behalf" *ibid* s. 4 (2).

**2. Definitions :-**

In this Act, unless there is anything repugnant in the subject or context,

(1) "cattle" includes elephants, camels, horses, asses, mules, sheep, goats and swine,

(2) "Corporation" means a Corporation constituted under s. 5 the Bombay Provincial Municipal Corporations Act, 1949, (Bom. LIX of 1949).

(3) the expression "competent authority" when used with reference to the exercise of performance of any power, duty or function under the provisions of this Act, means

(a) in relation to <sup>5</sup>[any area] for which a Commissioner of Police is appointed under section 7, the Commissioner;

(b) in relation to the areas other than those referred to in clause (a) the District Magistrate or the District Superintendent or the Additional Superintendent when specially empowered in that behalf by the State Government;

(4) "constable" means a police officer of the lowest grade;

(5) "District" a territorial division constituting a district for the purposes of the Code of Criminal Procedure, 1898, (V of 1898), but does not include <sup>6</sup>[any area for which a Commissioner of Police has been appointed under section. 7]; ]<sup>7</sup>

(6) "Inspector-General" "Addittional Inspector-General", "Commissioner" "Deputy Inspector-General", "Deputy Commissioner", "Assistant Commissioner" "District Superintedent", "Additional Superintendent", "Assistant Superintendent" and 'Deputy Superintendent" means respectively the Inspector-General of Police, the Additional Inspector-General of Police, a Commissioner of Police including an Additional Commissioner of Police, a Deputy Inspector General of Police, a Deputy Commissioner of Police and Assistant Commissioner of Police, a District Superintendent of Police <sup>8</sup>[including a Superintendent of Police appointed under section 8 A or 22A], an Additional Suprintendent of Police, an Assistant Superintendent of Police and a Deputy Superintendent of Police appointed or deemed to be appointed under this Act;

<sup>9</sup>[(7) "municipality" means a municipality or municipal borough established under any law for the time being in force in any part of the State, but does not include a municipal Corporation;]

(8) "place" includes a building, a tent, a booth or other erection, whether permanent or temporary, or any area whether enclosed or open;

(9) "place of public amusement" means any place where music, singing, dancing, or any diversion or game, or the means of carrying on the same, is provided and to which the public are admitted either on payment of money or with the intention that money may be collected from those admitted add includes a race course, circus, theatre, music hall, billiard room, bagatelle room, gymna sium, fencing school, swimming pool or dancing hall;

(10) "place of public entertainment means any place to which the public are admitted, and where any kind of food, or drink is supplied or consumption on the premises by any person owning or having an interest in or managing such place and includes a refreshment room, eating-house, coffee-house, liquor-house, boarding-house lodging-house, hotel, tavern or wine, beer, spirit



arrack, toddy, ganja bhang or opium shop <sup>10</sup> [or a shop where any kind of food or drink is supplied to the public for consumption in or near such shop];

(11) "Police officer" means any member of the Police Force appointed or deemed to be appointed under this Act, and includes a special or an additional Police officer appointed under section 21 or 22;

(12) "prescribed" means prescribed by rules;

(13) "public place" includes the foreshore, the precincts of every public building or monument, and all places accessible to the public drawing water, washing or bathing or for the purpose of recreation;

(14) "rules" means rules made under this Act;

(15) "street" includes any highway, bridge, way over a carseway, viaduct, arch quay or wharf or any road, lane, footway, square, court, alley or passage, accessible to the public, whether a thoroughfare or not;

(16) "Subordinate ranks" means members of the Police Force below the rank of the Inspector;

(17) "vehicle" means any carriage, cart, van, dray, truck, hand cart or other conveyance of any description and includes a bicycle, a tricycle, a rickshaw, an automatic car, a vessel or an aeroplane.

These words were substituted for the words, "Greater Bombay, and other areas," *ibid*.

This portion was substituted for the words, "Greater Bombay" by Bom. 56 of 1959, s. 3 Schedule.

Clause (5A) was deleted by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

These words, figures and letters were inserted by Bom. 34 of 1959, s. 5(3).

This clause was substituted for the original, *ibid* s. 5 (4).

These words were added by Bom. 57 of 1954 s. 2.

## CHAPTER 2

Superintendence, control and organisation of the Police force

### **3. One Police Force for the <sup>3</sup>[whole of the <sup>2</sup>State of Gujarat :-**

There shall be one Police Force for the <sup>11</sup>[whole of the <sup>12</sup>State of Gujarat]:

Provided that the members of the Police Forces constituted under

any of the Acts mentioned in Schedule I, immediately before the coming into force of this Act <sup>13</sup> [in the relevant part of the State] shall be deemed to be the members of the said Police Force.

These words substituted for the words "Greater Bombay or any other" by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1980.

These words were substituted for the words "State of Bombay" by the Gujarat Adaptation of Laws (State and Concurrent Subject) Order, 1960.

These words were inserted, *ibid*, s. 6.

#### **4. Superintendence of Police Force to vest in the State Government :-**

The superintendence of the Police Force throughout <sup>14</sup> [the State of Gujarat] vests in and is exercisable by the State Government and any control, direction or supervision exercisable by any officer over any member of the Police Force shall be exercisable subject to such superintendent.

These words were substituted for the words, "the State" *ibid* s. 7.

#### **5. Constitution of Police Force :-**

Subject to the provisions of this Act

(a) the Police Force, shall consist of such number in the several ranks and have such organization and such powers, functions and duties as the State Government may by general or special order determine;

(b) the recruitment, pay, allowances and all other conditions of service of the Police Force shall be such as may from time to time be determined by the State Government by general or special order:

Provided that <sup>15</sup> [

(i) the rules and orders governing the recruitment, pay, allowances and other conditions of service of the members of the Police Force constituted under any of the Acts mentioned in Part I or II of Schedule I and deemed to be the members of the Police Force under section 3, shall continue in force until altered or cancelled under clause (b); but in the case of members of the Police Force; constituted under any of the Acts mentioned in Part II of that Schedule such alteration or cancellation shall be subject to the proviso to sub- section (7) of section 115 of the States

Reorganisation Act, 1958] (XXX VII of 1956).

(ii) nothing in this clause shall apply to the recruitment, pay, allowances and other conditions of service of the members of the Indian Police and Indian Police Service.

These words substituted for the words "Greater Bombay or any other" by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1980.

## **6. Inspector General, Additional and Deputy Inspector General :-**

(1) For the direction and supervision of the Police Force, the State Government shall appoint an Inspector General of Police who shall exercise such powers and perform such functions and shall have such responsibilities and such authority as may be provided by or under this Act or orders made by the State Government.

(2)

(a) The State Government may appoint an Additional Inspector General and one or more Deputy Inspector General of Police.

(b) The State Government may direct that any of the powers, functions, duties, and responsibilities and the authority of the Inspector General may be exercised, performed or discharged, as the case may be, by the Additional Inspector General or a Deputy Inspector General.

(c) The State Government may also by a general or special order direct that the Additional Inspector General or Deputy Inspector General shall assist and aid the Inspector General in the performance, exercise and discharge of his powers, functions, duties responsibilities and authority in such manner and to such extent as may be specified in the order.

## **7. Commissioner :-**

(a) The State Government may appoint a Police officer to be the Commissioner of Police for <sup>16</sup> [any] area specified in a notification issued by the State Government in this behalf and published in the Official Gazette.

(b) The State Government may also appoint an Additional Commissioner of Police for the areas specified in clause (a).

(c) The Commissioner shall exercise such powers, perform such

functions and duties and shall have such responsibilities and authority as are

Provided that the State Government may direct that any of the powers, functions, duties, responsibilities or authority exercisable or to be performed or discharged by the Commissioner shall, performed or discharged subject to the control of the Inspector General:

Provided further that the area for which a Commissioner has been appointed under this section shall not, unless otherwise provided by or under this Act, be under the charge of the District Magistrate or the District Superintendent for any of the purposes of this Act, notwithstanding the fact that such area forms part of a district within the territorial jurisdiction for which a District Magistrate or a District Superintendent may have been appointed.

These words substituted for the words "Greater Bombay or any other" by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1980.

## **8. Appointment of District Additional, Assistant and Deputy superintendents :-**

(1) The State Government may appoint for each District or for a part of a District or for one or more Districts a Superintendent and one or more Additional Assistant and Deputy Superintendents of Police, as it may think expedient.

(2) The State Government may by a general or special order, empower an Additional Superintendent to exercise and perform in the district for which he is appointed or in any part thereof, all or any of the powers, functions or duties to be exercised or performed by a District Superintendent under this Act or under any law, for the time being in force.

(3) The District Superintendent may, with the previous permission of the State Government, delegate any of the powers and functions <sup>17</sup> [conferred on him by or under this Act, except the powers to make, alter or rescinds rules or orders under section 33, to an Assistant or Deputy Superintendent.]

These words were substituted for words "conferred on him by or under this Act to an Assistant or Deputy Superintendent" by Guj. 16 of 1978, s. 2.

## **8A. Appointment of Superintendents for wireless System**

**and Motor Transport System or for any specific duty :-**

The State Government may appoint for the <sup>19</sup>[whole of the <sup>20</sup> [State of Gujarat] or for any part thereof one or more Superintendent of Police as it may think fit

(1) for the Police Wireless System;

(2) for the Police Motor Transport System; or

(3) for the performance of such specific duties as the State Government may from time to time determine in this behalf and the Superintendent so appointed shall exercise such powers and perform such functions as the State Government may from time to time assign to him:

Provided that such powers and functions shall be exercised or performed subject to the control of the Inspector General.]

These words were substituted for the words "pre-Reorganisation State of Bombay, excluding the transferred territories" by Bom. 34 of 1959, s. 9.

These words were substituted for the words -'State of Bombay" by the Gujarat Adaptation of Laws (State and Concurrent Subject;) Order. 1980.

**9. Appointment of Principals of Police Training Schools :-**

The State Government may appoint any Police Officer not below the rank of a District Superintendent to be the <sup>22</sup>[ Principal of <sup>23</sup> [any] Police Training College or School] established by the State Government], and may assign to him such powers, functions and duties as it may think fit.

These words were substituted for the words "Principal of any Police Training School" by Guj. 16 of 1978, s. 3.

This word was substituted for the words "the Central Police Training School, Nasik or any other" by the Gujarat Adaptation of Laws (State and Concurrent Subject) Order, 1960.

**10. Deputies and Assistants to Commissioner :-**

(1) The State Government may appoint one or more Deputy Commissioner and one or more Assistant Commissioners of Polices <sup>24</sup>[\* \* \* in any area in which a Commissioner has been appointed under clause (a) of section 7.

(2) Every such Deputy or Assistant Commissioner shall, under the orders of the Commissioner exercise and perform any of the powers, functions and duties of the Commissioner to be exercised

or performed by him under the provisions of this Act or any other law for the time being in force in accordance with the general or special orders of the State Government made in this behalf:

Provided that the powers to be exercised by the commissioners <sup>25</sup> [of making, altering or rescinding rules under section 33] shall not be exercisable by a Deputy or Assistant Commissioner.

The words "in Greater Bombay or" were deleted by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960. These words and figures were substituted for the words and figures "under section 13 or 33" by Bom, 57 of 1954, s. 3.

### **11. Superintendents within Jurisdiction of Commissioners :-** ].

(1) The State Government may appoint <sup>27</sup> [for any area for a which a Commissioner of Police has been appointed under sub section 7] such number of Superintendents of Police as it may think expedient.

(2) A Superintendent appointed under sub-section (1) shall exercise such powers and perform such duties and functions as can be exercised or performed under the provisions of this Act or any other law for the time being in force or as are assigned to him by the Commissioner under the general or special orders of the State Government :

Provided that the powers to be exercised by the Commissioner <sup>28</sup> [of making, altering or rescinding rules under section 33] shall not be exercisable by the Superintendent.

These words were substituted for the words "for Greater Bombay" by Bom. 56 of 1959, s. 3 Schedule.

These words and figures were substituted for the words and figures "under section 13 or 33" by Bom. 1 of 1956, s. 2.

### **12. Constitution of divisions and sections :-**

(1) Subject to the control of the State Government, the Commissioner <sup>29</sup> [for any area shall, if he thinks fit:

(a) constitute <sup>30</sup> [within the area under his charge], Police divisions,

(b) sub-divide the same into sections, and

(c) define the limits and extent of such divisions and sections.

(2) Each such division shall be in charge of a Superintendent of Police and each section shall be in charge of an Inspector of Police.

These words were substituted for the words "for Greater Bombay" by Bom. 56 of 1959, s. 3, Schedule.

These words were substituted for the words "within the Greater Bom ", ibid.

**12A. Officers in charge of divisions and sections :-**

Subject to the general or special orders of the State Government the Commissioner for the area for which he is appointed and the Inspector General for other areas shall appoint Inspectors.]

**13. Inspectors :-**

Inspector General and Commissioner to exercise the powers of First Class Magistrate and Presidency Magistrate] Deleted by Bom. XXI of 1954. Second Sch.

**14. Certificate of appointment :-**

(1) Every Police Officer <sup>32</sup>[ \* \* ] <sup>33</sup> [of the grade of Inspector of below], shall on appointment receive a certificate in form provided in Schedule II. The certificate shall be issued under the seal of such officer as the State Government may by general or special order direct.

(2) A certificate of appointment shall become null and void whenever the person named therein ceases to belong to the Police Force or shall remain inoperative during the period within which such person is suspended from such force.

The words "of and" were deleted by Bom. 20 of 1953, s. 3.

These words were substituted for the words "below the grade of Inspector" by Bom. 28 of 1954, s. 3.

**15. Effect of suspension of Police Officer :-**

The powers, functions and privileges vested in a police shall remain suspended whilst such Police officer is under suspension from office:

Provided that notwithstanding such suspension, such person shall not cease to be a Police officer and shall continue to be subject to the control of the same authorities to which he would have been, if he was not under suspension.

**16. General powers of Commissioner and District Superintendent :-**

The Commissioner, subject to the orders of the Inspector-General, and District Superintendent, subject to the orders of the Inspector-General and the District Magistrate, shall within their respective spheres of authority 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 proceedings and all matters of executive detail or the fulfilment of their duties by the Police Force under him.

**17. Control of District Magistrate over Police Force in district :-**

(1) The District Superintendent and the Police Force of a district shall be under the control of the District Magistrate.

(2) In exercising such control the District Magistrate shall be governed by such rules and orders as the State Government may make in this behalf <sup>34</sup> ]\* \*\*\*\*\*]

The words "and shall be subject to the lawful orders of the Revenue Commissioner" were deleted by Guj. 15 of 1964, s. 4 Schedule.

**18. Power of District of Magistrate to require reports from District Superintendent :-**

The District Magistrate may require from the District Superintendent reports, either particular or general, on any matter connected with the crimes, habitual offenders, the prevention of disorder, the regulation of assemblies and amusements, the distribution of the Police Force, the conduct and character of any Police officer subordinate to the District Superintendent, the utilization of auxiliary means and all other matters in furtherance of his control of the police Force and the maintenance of order.

**19. Power of supervision by District Magistrate :-**

If the District Magistrate observes any marked incompetence or unfitness for the locality or for his particular duties in any Police officer subordinate to the District Superintendent he may require the District Superintendent to substitute another officer for any officer whom he has power to transfer and the District Superintendent shall be bound to comply with the requisition:

Provided that if the Police officer concerned is an officer <sup>35</sup> [of a grade higher than that of an Inspector] the District Magistrate may report his conduct to the Inspector General. The Inspector-General may, thereafter determine the action to be taken, and pass such



orders as he thinks fit, and shall communicate such action or order to the District Magistrate.

These words were substituted for the words, "of the grade of the Inspector or of a higher grade by Bom. 28 of 1954, s. 4:

**20. Power of Inspector General and Commissioner to investigate and regulate matters of Police accounts :-**

The Inspector-General, throughout t h e <sup>1</sup>[State] and the Commissioner in the area for which he is appointed shall, subject to the orders of the State Government, have authority to investigate and regulate all matters of account connected with the Police in the <sup>37</sup> [State] or in the area, as the case may be, and all persons concerned shall be bound to give him reasonable aid and facilities in conducting such investigations and to conform to his orders consequent thereto.

These words and figures were substituted for the words and figures "under section 13 or 33" by Bom. 1 of 1956, s. 2.

**21. Special Police officers :-**

(1) The Commissioner, the District Superintendent, or any Magistrate <sup>38</sup> [ \* \* \* \* ] specially empowered in this behalf by the State Government, may, at any time by a written order signed by himself and sealed with his own seal appoint any able-bodied male person between the ages of 18 and 50, whom he considers fit to be a special Police Officer to assist the Police Force on any occasion, when he has reason to apprehend the occurrence of any riot or grave disturbance of the peace within the limits of his charge and he is of opinion that the ordinary Police Force is not sufficient for the protection of the inhabitants and for the security of property.

(2) Every special Police officer so appointed shall on appointment

(a) receive a certificate in a form approved by the State Government in this behalf,

(b) have the same powers, privileges and immunities and be liable to the same duties and responsibilities and be subject to the same authorities as an ordinary Police officer.

The words "not lower in rank than that of second class", were deleted by Bom. 21 of 1954 s. 3, second Sch.

**22. Appointment of additional Police :-**

(1) Additional Police officers of such rank or grade for such time

and on such pay as the authority specified by or under the provisions of this Act in that behalf may determine, may be employed or deputed for the purpose stated in such provisions.

(2) Every additional Police officer appointed shall on appointment

(a) receive a certificate in a form approved by the State Government in this behalf.

(b) be vested with all or such of the powers, privileges and duties of a Police officer as are specially mentioned in the certificate, and

(c) be subject to the orders of the Commissioner or the District Superintendent as the case may be. The employment or deputation of such additional Police officer may be made at the request of any person requiring such Police and the cost of such employment shall be recovered in such manner as is provided by under this Act or under any other law for the time being in force.

## **22A. Appointment of Railway Police :-**

(1) The State Government may, by notification in the Official Gazette, create one or more special police district embracing and such railway areas in I the State as it may specify, and appoint a Superintendent of Police and such other Police officers for each such special districts as it may think fit.

(2) Subject to the control of the Inspector General, such police officers shall discharge police functions connected with the adminiitration of railways situated within their respective charges, and such other functions as the State Government may from time to time assign to them.

(3) Any member of the said Police Force whom the State Government shall general or specially empower to act under this sub-section may, subject to any orders which that Government may make in this behalf, exercise within the special district or any part thereof any of the powers of an officer in charge of a police station in that district, and when so exercising such powers shall, subject to any such order as aforesaid, be deemed to be an officer in charge of the police station discharging the functions of such officer within the limits of his station.

(4) Subject to any general or special orders, which the State Government may make in this behalf, such police officers shall, in the discharge of their functions, be vested within every part of the

State with the powers and privileges and be subject to the liabilities of police officers under this Act or any other law for the time being in force.]

### CHAPTER 3

Regulation, Control and Discipline of the Police Force

#### **23. Framing of rules for administration of the Police :-**

Subject to the orders of the State Government the Commissioner in the case of Police Force allocated to <sup>40</sup> [\* \* \* ] areas for which he has been appointed and the Inspector General in the case of the Police allocated to other areas may make rules or orders not inconsistent with this Act or with any other enactment for the time being in force

- (a) regulating the inspection of the Police Force by his subordinates;
- (b) determining the description and quality of arms, accoutrements, clothing and other necessities to be furnished to the Police;
- (c) prescribing the places of residence of members of the Police Force;
- (d) for institution, management and regulation of any Police fund for any purpose connected with police administration;
- (e) regulating, subject to the provisions of section 17, the distribution, movements and location of the Police;
- (f) assigning duties to Police officers of all ranks and grades, and prescribing
- (i) the manner in which, and
- (ii) the conditions subject to which, they shall exercise and perform their respective powers and duties;
- (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.

The words 'Greater Bombay and other' were deleted by the Gujarat Adaptation of Laws (State and Concurrent Subject) Order, 1960.

#### **24. Inspector General or Commissioner may call for returns**

:-

(1) The Inspector-General may, subject to the rules and orders of the State Government, call for such returns, reports, and statements on subject connected with the suppression of crime, the maintenance of order and the <sup>41</sup> [\* \* \* \* ] any general orders issued by him for the purposes aforesaid or in consequence of the information furnished to him, and also any orders which the State Government may direct.

(2) The Commissioner may subject to as aforesaid with reference to the area under his charge call for such reports, returns and statements as are provided for in sub-section (1).

The words "and the Revenue Commissioner" were deleted by Guj. 15 of 1964, s. 4 Sch.

**25. Punishment of the members of the subordinate ranks of the Police Force departmentally for neglect of duty etc :-**

(1) The State Government or any officer authorised by sub-section (2) in that behalf may suspend reduce, dismiss or remove <sup>7</sup>[an Inspector or] any member of the subordinate ranks of the Police Force 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 member of the subordinate ranks of the Police Force, who is guilty of any breach of discipline or misconduct or any act rendering him unfit for the discharge of his duty which does not require his suspension or dismissal.

(2)

(a) Punitive powers of Inspector General, Commissioner. The Inspector-General, the Commissioner and the Deputy Inspector-General shall have authority to punish <sup>9</sup>[an Inspector or] any member of the subordinate ranks under sub-section (1). A District Superintendent shall have the like authority in respect of any Police officer subordinate to below the grade of Inspector <sup>10</sup>[and may suspend an Inspector who is subordinate to him pending inquiry into a complaint against such Inspector and until an order of the Inspector-General or Deputy Inspector-General can be obtained ]

(b) Deputy Inspector-General and District Superintendent, The Principal of <sup>5</sup>[ <sup>46</sup>[ a Police Training College or School]] shall also

have the like authority in respect of any member of the subordinate ranks of the Police Force below the grade of Inspector <sup>47</sup>[undergoing training at 8[such <sup>48</sup>[college or school] ] or] serving under him , and in respect of head constables and constables belonging to the Police Force of <sup>49</sup>[the District in which which <sup>50</sup>[College or school] is situate] or of any other district attach to <sup>51</sup>[such <sup>52</sup>[college or school] ] for duty under him <sup>53</sup>[He may also suspend an Inspector who is 4[undergoing training at <sup>54</sup>[such <sup>55</sup>[college or school ] ] or] subordinate to him pending inquiry into a complaint against such Inspector and until an order of the Inspector-General or Deputy-Inspector-General can be obtained ]

<sup>56</sup>[(bb) A Superintendent of Police appointed under section 8-A for the Police Wireless System or the Police Motor Transport Service or for performing any specific duties <sup>57</sup> [ or a Superintendent of Police appointed under section 2 -A] shall have the like authority in respect of any Police officer subordinate to him below the grade of Inspector].

(c) The exercise of any power conferred by this sub-section shall be subject always to such rules and orders as may be made by the State Government in that behalf.

(3) Nothing in sub-sections (1) and (2)

(a) shall affect any Police officer's liability to a criminal prosecution for any offence with which he may be charged; or

(b) shall entitle any authority subordinate to that by which the Police officer was appointed to dismiss or remove him.

These words were inserted by Bom 28 of 1954, s. 5(1)

These words were inserted, ibid, s. 5(z) (i).

These words were inserted ibid 5(2) (ii),

These words were substituted for the words "the Central Police Training School, Nasik" by Bom. 34 of 1959, s. 13(i) (a)

These words were inserted by Bom 6 of 1955, s. 2(1).

These words were substituted for the words "the Nasik District" by Rom. 34 of 1959, s. 13(i)(c).

These words were substituted for the words "School" by Guj. 16 of 1978, s. 4 (ii).

These words were deleted by Bom. 20 of 1953, s. 4 (2) and again inserted by Bom. 28 of 1954, s. 5(3).

These words were substituted for the words "the said school" by Bom. 34 of 1959, s. 13 (i)(b).

These words were substituted for the word "School" by Guj, 16 of

1978, s. 4(ii).

Clause (bb) was inserted by Bom, 20 of 1953 s. 4(3).

These words were substituted for the words "a Police Training School" by Guj. 16 of 1978, s. 4(i).

**26. Procedure to be observed in awarding punishment :-**

When any officer passes an order for fining, suspending, reducing, removing 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:

Provided that <sup>58</sup> [no order for reducing, removing or dismissing a Police officer] shall be passed without giving him a reasonable opportunity of showing cause against the action proposed to be taken against him except in cases referred to in the proviso (a) to clause (2) of Article 311 of the Constitution.

These words were substituted for the words "no such order" by Bom 57 of 1954, s. 4.

**27. Appeals from orders of punishment :-**

An appeal against any order passed against a Police officer under section 25 or the rules or orders thereunder shall be to the State Government itself or to such officer as the State Government may by general or special order specify. <sup>59</sup> [Such appeal shall be filed within a period of sixty days from the date of the order appealed against.

These words were added by Guj. 16 of 1978, s. 5.

**27A. Revisional powers of State Government Inspector General and Deputy Inspector General :-**

The State Government the Inspector General or a Deputy Inspector General may, suo motu or on an application made to him within the prescribed period in this behalf, call for and examine the record of any inquiry or proceeding of any subordinate police officer under this Chapter, for the purpose of satisfying itself or himself, as the case may be, as to the legality or propriety of any decision or order passed by and as to the regularity of the proceeding of such officer and may, at any time,

(a) confirm, modify or reverse any such order

(b) impose any penalty or set aside, reduce, confirm or enhance the penalty imposed by such order,

(c) direct that further inquiry may be held, or

(d) make such other order, as, in the circumstances of the case, it or he may deem fit:

Provided that an order in revision imposing or enhancing penalty shall not be passed unless the police officer affected thereby has been given a reasonable opportunity of being heard:

Provided further that no order in revision shall be passed

(i) in a case where an appeal against the decision or order passed in such inquiry or proceeding has been filed, when such appeal is pending;

(ii) in a case where an appeal against such decision or order has not been filed, before the expiry of the period provided for filing such appeal; and

(iii) in a case after the expiry of a period of three years from the date of the decision or order sought to be revised].

**28. Police Officers to be deemed to be always on duty and to be liable to employment in any part of the State :-**

(1) Every Police officer not on leave or under suspension shall for all purposes of this Act be deemed to be always on duty, and any Police Officer or any number or body of Police officers allocated for duty in one part of the State may, if the State Government or the Inspector-General so directs, at any time, be employed on Police duty in any other part of the State for so long as the services of the same may be there required.

(2) Intimation of proposed transfers to be given by the Inspector General to the Commissioner and District Magistrate. Timely intimation shall, except in cases of extreme urgency, be given to <sup>61</sup> [ \* \* \* \* ] the District Magistrate by the Inspector General of any proposed transfer under this section and except, where secrecy is necessary the reasons for the transfer shall be explained; whereupon the officers aforesaid and their subordinate shall give all reasonable furtherance to such transfer.

The words "the Revenue Commissioner and were deleted by Guj. 15 of 1964, s. 4 Schedule.

**29. Under what conditions Police office may resign :-**

<sup>62</sup>[

(1) No Police officer <sup>63</sup>[ or the grade of Inspector or] of the

subordinate ranks shall resign his office or withdraw himself from the duties thereof except with the written permission of the Commissioner or the Deputy Inspector-General Criminal Investigation Department or of the Principal of <sup>64</sup>[ <sup>65</sup>[ a Police Training College or School],] or of the District Superintendent or of some other Police officer empowered by the Inspector-General or the Commissioner to grant such permission:

Provided that subject to the provisions of sub-section (2) no such permission shall be granted to any such Police officer until he has fully discharged any debt due by him as such Police Officer to Government or to any Police fund].

(2) If any such Police officer produces a certificate signed by the Police Surgeon or the Civil Surgeon declaring him to be unfit by reason of disease or mental 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 such Police officer to Government or to any Police fund.

(3) Arrear of pay of a Police Officer contravening this section may be forfeited. If any such Police officer as aforefaid resigns or withdraws himself from the duties of his office in contravention of this section, he shall be liable on the order of the Commissioner, or the Deputy Inspector- General. Criminal Investigation Department, or of the Principal of <sup>66</sup>[ <sup>67</sup> [the Police Training College or school] or of the District Superintendent, as the case may be 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 145 of this Act or any other law in force.

Sub-section (1) was substituted for the original by Bom 20 of 1953 s. 5.

These words were inserted by Bom 28 of 1954, s. 6.

These words were substituted for the words "the Central Police Training School, Nasik" by Bom 34 of 1959, s. 14 (1).

These words were substituted for the words "@ Police Training School" by Guj. 16 of 1978. s. 7 (a).

The words were substituted for the words "the Central Training School Nasik" by Bom 34 of 1959, s. 14(2).

These words were substituted for the words "the Police Training School" by Guj. 16 of 1978, s. 7(b).

**30. Certificate, arms, etc. to be delivered up by person ceasing to be a police officer and :-**



(1) Every person who for any reason ceases to be a Police officer shall forthwith deliver up to some officer empowered by the Commissioner or the Deputy Inspector-General Investigation Department, or the Principal of <sup>3</sup>[ <sup>69</sup>[the Police Training College or School] or the District Superintendent to whom such Police officer is subordinate to receive the same, his certificate of appointment or of office and the arms, accoutrements clothing and other necessities which have been furnished to him for the performance of duties and functions connected with his office.

(2) If not delivered up may be seized under a search warrant Any Magistrate and for special reasons which shall be recorded in writing at the time, the Commissioner or the Deputy Inspector-General, Criminal Investigation Department, or the Principal of <sup>70</sup>[the Police Training College or school] or any District Superintendent, or Deputy Superintendent may issue a warrant to search for and seize, wherever they be found any, certificate, arms, accoutrement, clothing or other necessities not so delivered up. Every warrant so issued shall be executed in accordance with the provisions of the Code of Criminal Procedure, 1898, (V of 1898) by a Police officer or, if the Magistrate, the Commissioner, the Deputy Inspector-General, Criminal Investigation Department, the Principal of <sup>71</sup> [the Police Training College or School], the District Superintendent, the Assistant Superintendent or the Deputy Superintendent issuing the warrant so directs by any other person.

(3) Saving of certain articles. Nothing in this section shall be deemed to apply to any article which, under the orders of the Inspector-General, or the Commissioner, as the case may be, has become the property of the person to whom the same was furnished.

These words were substituted for the words "the Central Police Training School, Nasik" by Bom. 34 of 1959, s. 15.

These words were substituted for the words "the Police Training School" by Guj. 16 of 1978 s. 8(a).

These words were substituted for the words "the Police Training School", *ibid.*, s. 8(b).

### **31. Occupation of any liability to vacate premises provided for Police officers :-**

(1) Any Police officer occupying any premises provided by the State Government for his residence

(a) shall occupy the same subject to such conditions and terms as may generally or in special case, be specified by the State Government, and

(b) shall notwithstanding anything contained in any law for the time being in force, vacate the same on his ceasing to be a Police officer or whenever the State Government or any officer authorised by the State Government in this behalf thinks it necessary and expedient to require him to do so.

(2) If any person who is bound or required under sub-section (1) to vacate any premises fails to do so, State Government or the officer authorised in this behalf by the State Government may order such person to vacate the premises and may direct any Police officer with such assistance as may be necessary to enter upon the premises and remove there from any person found therein and to take possession of the premises and deliver the same to any persons specified in the direction.

**32. State Government may make order under section 14 of Act V of 1898) :-**

]. The State Government, whenever it shall seem necessary, may by notification in the Official Gazette make an order to such effect as any order if made by a Magistrate under section 144 of the Code of Criminal Procedure, 1898, (V of 1898) could be continued in force by the State Government under the said Code.]

CHAPTER 4

Police Regulations

**33. Power to make rules or regulation of traffic and for preservation of order in public place, etc :-**

(1) [<sup>73</sup>The Commissioner, with respect to all or any of the following matters specified in this sub-section and the District Magistrate, with respect to all or any of the said matters except the matters referred to in sub-section (1AA), may make, alter or rescind rules or orders not inconsistent with this Act, in areas under their respective charges or any part thereof, namely: ]

(a) licensing and controlling persons offering themselves for employment at quays, wharves and landing places, and outside Railway stations, for the carriage of passengers' baggages, and fixing and providing for the enforcement of a scale of charges for the labour of such person so employed;

**74**[

(aa) licensing and controlling persons offering themselves for employment at hills, mountains or such other places for carrying pilgrims, tourists, or other passengers and their baggages, or goods on such hills, mountains or places, and fixing and providing for the enforcement of a scale of charges for the labour of such persons so employed].

(b) regulating traffic of all kinds in streets, and public places, and the use of streets and public places by persons riding, driving, cycling walking or leading or accompanying cattle, so as to prevent danger, obstruction or inconvenience to the public;

(c) regulating the conditions under which vehicles may remain standing in streets and public places, and the use of streets as halting places for vehicles or cattle;

(d) prescribing the number and position of lights to be used on vehicles in streets and the hours between which such lights shall be used:

**75**[(da) licensing, controlling or prohibiting the display of any pictures, advertisements, news boards or public notices **76**[in or in the vicinity of, a street or any public place or upon a vessel] or boat in territorial waters or on inland waterways other than national waterways:]

**77**[Provided that nothing in this "clause shall apply to the display of any news board or public notice by or on behalf of a political party, a public institution or a panchayats or municipality or municipal corporation or other local authority constituted under any law for the time being in force;]

**78**[db) licensing, controlling or prohibiting the erection, exhibition, fixation or retention of any sign, device or representation for the purpose of advertisement, which is visible against the sky from some point in any street and is hoisted or held aloft over any land, building or structure at such height as (regard being had to the traffic in the vicinity, and the likelihood of such sign, device or representation at that height being a distraction or causing obstruction to such traffic) may be specified in the rule or order,]

(e) prescribing certain hours of the day during which cattle shall not be driven along the streets, or along certain specified streets,

except subject to such regulations as he may prescribe in that behalf;

(f) regulating the leading, driving, conducting or conveying of any elephant or wild or dangerous animal through or in any street;

(g) regulating and controlling the manner and mode of conveying timber, scaffold poles, ladders, iron girders, beams or bars, boilers or other unwieldy articles through the streets, and the route and hours for such conveyance;

(h) licensing, controlling or, in order to prevent the obstruction, inconvenience, annoyance, risk, danger or damage of the residents or passengers in the vicinity, prohibiting the carrying in streets and public places of gunpowder or any other explosive substance;

(i) prohibiting except along certain specified streets and during specified hours and subject to such regulations as he may prescribe in that behalf, the exposure or movement in any street of persons or animals suffering from contagious or infectious diseases and the carcasses of animals or part thereof and the corpses of persons deceased;

(j) prescribing certain hours of the day during which orders or offensive matter or objects shall not be taken from or into houses or buildings in certain streets or conveyed through such streets except subject to such rules as he may make in that behalf;

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

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

(m) directing the closing or disuse, wholly or for certain purposes, or limiting to certain purposes only the use of any source, supply or receptacle of water and providing against pollution of the same or of the water therein;

(n) licensing controlling or, in order to prevent the obstruction,

inconvenience, annoyance, risk, danger or damage of the resident or passengers in the vicinity prohibiting the playing of music, the beating of drums, tom-tom or the instruments and the blowing or sounding of horns or other noisy instruments in or near streets or public places;

(o) regulating the conduct of and behaviour or action of persons constituting assemblies and processions on or along the streets and prescribing in the case of processions, the routes by which the, order in which and the times at which the same may pass;

(p) prohibiting the hanging or placing of any cord or pole across a street or part thereof, or the making of a projection or structure so as to obstruct traffic or the free access of light and air;

(q) prohibiting, except under such reasonable rules as he may make, the placing of building materials or other articles or the fastening or detention of any horse or other animals in any street or public place;

(r) licensing, controlling or, in order to prevent obstruction inconvenience, annoyance, risk, danger or damage of the residents or passengers in the vicinity, prohibiting:

(i) the illumination of streets and public places and the exteriors of building abutting thereon by persons other than servants of Government or Municipal officers duly authorised in that behalf,

(ii) the blasting of rock or making excavations in or near streets or public places,

(iii) the using of a loudspeaker in <sup>79</sup>[or near any public place or in any] place of public entertainment;

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

(t) guarding against injury to person 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;

(u) prohibiting the setting fire; to or burning any straw or other matter, or lighting a bonfire or watonly discharging a fire-arm or air-gun, or let ing off or throwing a fire work or, sending up a fire

balloon or rocket 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

(v) regulating the hours during which and the manner in which any place for the disposal of the dead, any dharmashala, 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;

(w)

(i) licensing or controlling places of public amusement or entertainment;

(ii) Prohibiting the keeping of places of public amusement or entertainment or assembly, in order to prevent obstruction, inconvenience, annoyance, risk, danger or damage to the residents or passengers in the vicinity);

(iii) regulating the means of entrance and exit at places of public amusement or entertainment or assembly, and providing for the maintenance of public safety and the prevention of disturbance threat;

**80[**

(wa)

(i) licensing or controlling with such exceptions as may be specified the musical, dancing, mimetic or theatrical or other performances for public amusement, including melas and tamashas,

(ii) regulating in the interest of public order, decency or morality or in the interest of the general public, the employment of artists and the conduct of the artists and the audience at such performances;

(iii) prior scrutiny of such performance by a Board appointed by the State Government or by an Advisory Committee appointed by the Commissioner, or the District Magistrate in this behalf;

(iv) regulating the hours during which and the places at which such performances may be given;

(x) regulating or prohibiting the sale of any ticket or pass for admission, by whatever name called, to a place of public amusement;

(y) prescribing the procedure in accordance with which any licence or permission sought to be obtained or required under this Act should be applied for and fixing the fees to be charged for any such licence or permission:

Provided that nothing in this section and no licence granted under any rule made thereunder shall authorise any person to import, export, transport, manufacture, sell or possess any liquor or intoxicating drug, in respect of which a licence, permit, pass, or authorisation is required under the Bombay Prohibition Act, 1949. (Bom 25 of 1949). or under any other law for the time being in force 3[relating to the Abkari or to the prohibition of the manufacture, sale and consumption of liquor] or shall affect the liability of any person under any such law or shall in

Provided further that any action taken under the rules or orders made under this sub-section or the grant of a licence made under such rules or orders shall be subject to the control and supervision of the State Government.

1(IAA) A District Superintendent may, in areas under his charge or any part thereof, make, alter or rescind rules or orders not inconsistent with this Act, with respect to all or any of the matters specified in clauses (d), (db), (e) and (g) read clause (y) of sub-section (1):

Provided that the rules and orders made by a District Magistrate under sub-section (1) for any of the matters specified in the said clauses and in force in any area immediately before the commencement of the Bombay Police (Gujarat Amendment) Act, 1977, (Guj. 16 of 1978). shall continue in force therein as if made by the District Superintendent under this sub-section, until altered or repealed or amended by a competent authority.]

**81**[(A) The power to make rules or order under clauses (w), (wa) and (x) shall in the first instance have effect only in relation to the **82**[State of Gujarat]; but the State Government may by notification in the Official Gazette provide that such power under any or all of those clauses, shall also have effect from such date as may be specified in the notification, in any other area of the State].

(2)

(i) The power of making, altering or rescinding rules under clauses **83**[(a), (aa), (b)] and (c) of sub-section (1) shall be subject to the

control of the State Government,

(ii) the power of making altering or rescinding rules under the remaining clauses of sub-section (1) shall be subject to the previous sanction of that Government,

(3) Every rule made under clause (i) of sub-section (1) with respect to the use of a place for the disposal of the dead shall be framed with due regard to ordinary and established usages and to the necessities of prompt disposal of the dead in individual cases.

(4) Every rule promulgated under the authority of clause (i) of sub-section (1) shall, if made in relation to <sup>84</sup>[any area which is not under the charge of a commissioner] be forthwith <sup>85</sup>[reported to <sup>86</sup>[such authority as the State Government may appoint in this behalf] and the State Government].

(5) If any rule or order made or promulgated under this section relates to any matter with respect to which there is a provision in any law, rule or bye law of any municipal or local authority in relation to the public health, convenience or safety of the locality, such rule or order shall be subject to such law, rule or bye-law of the municipal or local authority, as the case may be.

(6) The power of making, altering or rescinding rules under this section shall be subject to the condition of the rules being made, altered or rescinded after previous publication, and every rule made of alteration or rescission of a rule made under this section shall be published in the Official Gazette and in the locality affected thereby by affixing copies thereof in conspicuous places near to the building, structure, work or place, as the case may be, to which the same specially relates or by proclaiming the same by the beating of drum or by advertising the same in such local newspapers in English or in the local language, as the authority making, altering or rescinding the rule may deem fit or by any two or more of these means or by any other means it may think suitable:

Provided that any such rules may be made, altered or rescinded without previous publication if <sup>87</sup> [the Commissioner, the District Magistrate, or as the case may be, the District Superintendent], as the case may be, is satisfied that circumstances exist which renders it necessary that such rules or alteration therein or rescission thereof should be brought into force at once.

(7) Notwithstanding anything herein before contained in this



section or which may be contained in any rule made there under, it shall always be lawful for the competent authority to refuse a licence, for, or to prohibit the keeping of any place of public amusement or entertainment by a person of notoriously bad character.

(8) It shall be the duty of all persons concerned to conform to any order duly made as aforesaid so long as the same shall be in operation.

This portion was substituted for the words beginning with the words "The Commissioner and the District Magistrate" and ending with the words "with this Act for" by Guj. 16 of 1978, s. 9(a).

Clause (aa) was inserted by Guj. 30 of 1962, s. 2(1).

Clause (da) was inserted by Bom. 20 of 1953, s. 6(1).

These words were substituted for the words "upon a vessel" by Guj. 4 of 1964, s. 2.

This proviso was added, *ibid*.

Clause (db) was inserted by Bom. 37 of 1959, s. 2.

These words were substituted for the words "any public place" or by Bom. 28 of 1954, s. 7.

Clause (wa) was inserted by Bom. 20 of 1953, s. 6(2).

This sub-section was inserted by Bom. 34 of 1959, s. 17(2).

These words were substituted for the words "area of the pre-Reorganisation State of Bombay excluding the transferred territories" by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

These brackets and letters were substituted for the brackets and letters "(a), (b)" by Guj. 30 of 1962, s. 2 (2).

These words were substituted for the words "any area outside Greater Bombay" by Bom. 56 of 1959, s. 3, Schedule.

These words were substituted for the words beginning with the words "reported to" and ending with the words "in this behalf" by Bom. 8 of 1958, s. 3, Schedule.

These words were substituted for the words "the Revenue Commissioner" by Guj. 15 of 1964, s. 4, Schedule.

Clause (cc) was inserted by Guj. 26 of 1972, s. 2 (1)

#### **34. Competent authority may authorise erection of barriers on streets :-**

The Commissioner and the District Superintendent in areas under their respective charges may, whenever in his opinion such action is necessary, authorise such Police Officer as he thinks fit to erect barriers any street for the purpose of stopping temporarily vehicles driven on such street and satisfy himself that the provisions of any law for the time being in force have not been contravened in respect of any such vehicle or by the driver of the person in charge

of such vehicle. The said authority may also make such orders as it deems fit for regulating the use of such barriers.

**35. Power to make rules prohibiting disposal of the dead except at places set apart :-**

(1) A competent authority may, from time to time, make rules prohibiting the disposal of the dead, whether by cremation, burial or otherwise at places other than those set apart for such purpose:

Provided that no such rules shall be made in respect of any town or place in which places have not been so set apart:

Provided further that the competent authority or any officer authorised by it in this behalf may, in its or his discretion on an application made to it or him by any person, grant to such person permission to dispose of the corpse of any, deceased person at any place other than a place so set apart, if in its or his opinion such disposal is not likely to cause obstruction to traffic or disturbance of public peace or is not objectionable for any other reasons.

(2) Any rules made under sub-section (1) shall specify the places set apart for the disposal of the dead of different communities or section of communities.

(3) All such rules shall be subject to the condition of previous publication and the date to be specified under clause (c) of section 24 of the Bombay General Clauses Act, 1964, (Bom.I of 1964.) shall not be earlier than two months from the date on which the draft of the purposed rules is published.

Explanation. For the purposes of this section, a place set apart for the disposal of the dead means a place set apart for such purpose under any custom, usage or law for the time being in force.

**36. Power of Commissioner or the District Superintendent and of other officers to given direction to the public :-**

In areas under their respective charges the Commissioner, and subject to his orders every Police officer not inferior in rank to an Inspector, and the District Superintendent and subject to his orders any Police Officer of not lower than such rank as may be specified by the State Government in that behalf, may, from time to time as occasion may arise, but not so as to contravene any rule or order under section 33 give all such orders either orally or in writing as may be necessary to

- (a) direct the conduct of, and behaviour or action of persons constituting processions or assemblies on or along the streets;
- (b) prescribe the routes by which and the times at which any such processions may or may not pass;
- (c) prevent obstructions on the occasion of all processions and assemblies and in the neighbourhood of all places of worship during the time of worship and in all cases when any streets or public place or place of public resort may be throughed or liable to be obstructed;
- (d) keep order on and in all streets, quays wharves, and at and within public bathing, washing and landing places, fairs, temples and all other places of public resort;
- (e) regulate and control the playing of music or signing, or the beating of drums, tom-toms and other instruments and the blowing or sounding of horns or other noisy instruments, in or near any street or public place;

**88** [(ea) regulate and control the use of loud-speakers in or near any public place or public entertainment;]

(f) make reasonable order subordinate to and in furtherance of any order made by a competent authority under sections 33, 35, 37 to 40, 42, 43 and of 45 of this Act.

Clause (ea) was inserted by Bom 28 of 1954, s. 8.

**37. Power to prohibit certain acts for prevention of disorder**  
:-

(1)The Commissioner and the District Magistrate in areas under their respective charges may, whenever and for such time as he shall consider necessary for the preservation of public peace or public safety by a notification publicly promulgated or addressed to individuals, prohibit at any town, village or place or in the vicinity of any such town, village or place

- (a) the carrying of arms, endgels, swords, spears, buldgeons, guns, knives, sticks or lathis or any other article, which is capable of being used for causing physical violence,
- (b) the crraying of any corrosive substance or of explosives,
- (c) the carrying collection and preparation of stones or other

missiles or instruments or means of a casting or impetling missiles,

<sup>2</sup>[(cc) the carrying of burning or lighted torches in a procession,]

(d) the exhibition of persons or corpses of figures or effigies thereof,

(e) the public utterance of cries, singing of songs, playing of music,

(f) delivery of harangues, the use of gestures or mimetic representations, and the preparation, exhibition or dissemination of pictures, symbols, playcards or any other object or thing which may in the opinion of such authority offend against decency or morality or undermine the security of or tend to over-throw the State.

(2) If any person goes armed with any such article or carries any <sup>90</sup>[corrosive substance, explosive, missile, instrument, means or burning or lighted torch] in contravention of such prohibition, he shall be liable to be disarmed or the <sup>91</sup>[corrosive substance, explosive, missile, instrument, means or burning or lighted torch] shall be liable to be seized from him by any Police officer, and the article, <sup>92</sup> [corrosive substance, explosive, missile,

(3) The authority empowered under sub-section (1) may also by order in writing prohibit any assembly or procession whenever and for so long as it considers such prohibition to be necessary for the preservation of the public order:

Provided that no such prohibition shall remain in force for more than fifteen days without the sanction of the State Government.

(4) The authority empowered under sub-section (1) may also by public notice temporarily reserve for any public purpose any street or public place and prohibit persons from entering the area so reserved, except under such conditions as may be prescribed by such authority.

Clause (cc) was inserted by Guj. 26 of 1972, s. 2 (1)

These words were substituted for the words "corrosive substance or explosive or missile" *ibid*;

These words were substituted for the words "corrosive substance, explosive or missile" *ibid*.

### **38. Power to prohibit etc. continuance of music, sound or noise :-**

(1) If the Commissioner or District Superintendent is satisfied from

the report of an officer in charge of a police station or other information received by him that it is necessary to do so in order to prevent annoyance, disturbance, discomfort or injury or risk of annoyance, disturbance, discomfort or injury to the public or to any persons who dwell or occupy property in the vicinity, he may by a written order issue such directions as he may consider necessary to any person for preventing, prohibiting or controlling or regulating

(a) the incidence or continuance in or upon any premises of

(i) any vocal or instrumental music,

(ii) sounds caused by the playing, beating, clashing, blowing or use in any manner whatsoever of any instrument, appliance or apparatus or contrivance which is capable of <sup>93</sup> [producing or reproducing sound], or

(b) the carrying on, in or upon any premises of any trade, avocation, or operation resulting in or attended with noise.

(2) The authority empowered under sub-section (1) may, either on its own motion or on the application of any person aggrieved by an order made under sub-section (1) either rescind, modify or alter any such order :

Provided that before any such application is disposed of, the said authority shall afford to the applicant an opportunity of appearing before it either in person or by pleader and showing cause against the order and shall, if it, rejects any such application either wholly or in part, record its reasons for such rejection.

These words were substituted for the words, "producing sound" by Bom 28 of 1954 s. 9.

### **39. Issue of orders for prevention of riot etc :-**

(1) In order to prevent or suppress any riot or grave disturbance of peace the Commissioner and the District Superintendent, in areas under their respective charges, may temporarily close or take possession of any building or place, and may exclude all or any persons therefrom, or may allow access hereto to such persons only and on such terms as he shall deem expedient. All persons concerned shall be bound to conduct themselves in accordance with such orders as the authority making orders may make and notify in exercise of the authority here by vested in it.

(2) Compensation to lawful occupier of building or place closed or

taken possession of.-If the lawful occupier of such building or place suffers substantial loss or injury by reason of the action taken under sub- section (1) he shall be entitled on application made the authority concerned within one month from the date of such action, to receive reasonable compensation for such loss or injury unless such action was in the opinion of such authority rendered necessary either by the use to which such building or place was put or intended to be put or by the misconduct of persons having access thereto.

(3) Disputes, as to compensation to be settled-In the event of any dispute in any case under sub-section (2) of the decision the <sup>94</sup> [District Magistrate] shall be conclusive as to the amount (if any) to be paid, and as to the persons to whom it is to be paid.

These words were substituted for the words "Chief Presidency Magistrate or the District Magistrate, as the case may be", by the Gujarat Adaptation of Laws (State and Concurrent Subjects), Order, 1960.

#### **40. Issue of orders for maintenance of order at religious ceremonials, etc :-**

(1) In any case of an actual or intended religious or ceremonial or corporate display or exhibition or organised assemblage in any street or public place, as to which or the conduct of or participation in which it shall appear to a competent authority that a dispute or contention exists which is likely to lead to grave disturbance of the peace, such authority may give such orders as the conduct of the persons concerned towards each other and towards the public as it shall deem necessary and reasonable under the circumstances, regard being had to the apparent, legal rights and to any established practice of the parties and of the persons interested. Every such order shall be published in the town or place wherein it is to operate, and all persons concerned shall be bound to conform to the same.

(2) Any order under sub-section (1) shall be subject to a decree, injunction or order made by a Court having jurisdiction and, shall be recalled or altered on its being made to appear to the authority making the order that such order is inconsistent with a judgment, decree, injunction or order of such court, on the complaint, suit or an application of any person interested, as to the rights and duties of any persons affected by the order aforesaid.

#### **41. Police to provide against disorder, etc. at places of amusement and public meetings :-**

(1) For the purpose of preventing serious disorder or breach of the law manifest and imminent danger to the persons assembled at any public place of amusement or at an assembly or meeting to which the public are invited or which is open to the public the senior Police Officer highest rank or to that of constable, present at such place of amusement or such assembly or meeting 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 proceeding and the maintenance of the public safety at such place of amusement for such assembly or meeting, as he thinks necessary and all persons shall be bound to conform every such reasonable direction.

(2) Police to have free access thereto.-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.

#### **42. Discontinuance of brothels :-**

Deleted by Gujarat 16 of 1978, section 10.

#### **43. Distinct Magistrate may take special measures to prevent outbreak of epidemic disease at, fair, etc :-**

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

(2) It shall be lawful for the District Magistrate or for the Collector  
**95** [\* \* \* on the requisition of the Commissioner or the District Magistrate 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 the place of assemblage.

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

The words "or the Chief Presidency Magistrate" were deleted by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

#### **44. Destruction of stray dogs :-**

(1) The Commissioner and the District Superintendent in areas under their respective charges, may from time to time, by public notice, proclaim that any stray dogs found, during such 'period as may be specified in the said notice, wandering in the streets or in any public place may be destroyed, and any dog so found within such period may be destroyed accordingly.

(2) The authority empowered under sub-section (1) may by public notice require that every dog, while in street or public place and not led by some person, shall be muzzled in such a manner as effectually to prevent it from biting, while not obstructing its breathing or drinking and the Police may, so long as such notice remains in force, destroy or take possession of and detain any dog found loose without muzzle in any street or place beyond the premises of the owner thereof:

Provided that any dog so found, wearing a collar on which an apparently genuine name and address of an owner is inscribed, shall not, unless it is rebitten, be forthwith destroyed, but information of the detention thereof shall forthwith be sent by post or otherwise to such owner.

(3) Any dog which has been detained under sub-section (2) for a period of three clear days without the owner providing a muzzle and paying all expenses connected with such detention may be destroyed or sold with the sanction and under the orders of the competent authority.

(4) The proceeds of the sale of any dog under sub-section (3) shall be applied as far as may be, in discharge of the expenses incurred in connection with its detention, and the balance, if any shall form part of the consolidated fund of the State.



(5) Any expenses incurred in connection with the destruction or detention of any dog under this section shall subject to the provision of sub-section (4), be recoverable from the owner thereof upon a warrant issued by the competent authority as if it were a warrant under section 386 of the Code of Criminal Procedure, 189s (V of 1898).

**45. Destruction of suffering or unfit animals :-**

(1) Any Police officer who in any street or public place other than a place of worship finds any animal other than a bull or a cow so diseased or so severely injured, and in such a physical condition that in his opinion it cannot without cruelty be removed shall if the owner is absent or refuse to consent to the destruction of the animal, at once summon the Veterinary Practitioner in charge of the area in which the animal is found and if the Veterinary Practitioner certifies that the animal is mortally injured or so severely injured or so diseased or in such a physical condition, that it is cruel to keep it alive the Police Officer may without the consent of the owner destroy the animal or cause it to be destroyed:

Provided that if in the opinion of the Veterinary Practitioner the animal can be removed from the place where it is found without causing it great suffering, and, if the owner or person in charge of the animal or in their absence any other person on the spot is willing and offers to remove the animal to a Veterinary Hospital or Panjarapole within such time as the Veterinary Practitioner considers reasonable the Veterinary practitioner shall allow the animal to be removed by such owner, person in charge of the animal or other person. If the owner or person in charge of the animal or such other person is unwilling or fail so to remove the animal, the Veterinary Practitioner may direct the Police officer to remove the animal before it is destroyed from the place where it is found to such other place as he may think fit:

Provided further that when the animal is destroyed in any street or public place it shall, as far as possible be screened from the public gaze while it is being destroyed.

(2) The State Government may appoint such persons as it thinks fit to be Veterinary Practitioners and may declare the areas of which they shall be in charge for the purposes of this Act.

**46. Powers under this chapter to be exercised by District Superintendent subject to the control of District Magistrate**

**and Commissioner and by District Magistrate subject to the control of State Government :-**

Every power conferred by this Chapter on a District Superintendent not specially empowered by the State Government to exercise that power or on any officer subordinate to him shall be exercised by him subject to the orders of the District Magistrate and all rules, regulations and orders made under this Chapter shall, if made by the Commissioner, be governed by such rules and orders as the State Government may from time to time make in this behalf and, if made by the District Magistrate or the District Superintendent specially empowered in that behalf, shall be subject to the provisions of section 17.

CHAPTER 5

Special Measures for Maintenance of Public Order and Safety of State

**47. Employment of additional Police on application of a person :-**

(1) The Commissioner or District Superintendent may on the application of any person, depute any additional number of Police to keep the peace, to preserve order or to enforce any of the provisions of this or any other Act in respect of any particular class or classes of offences or to perform any other Police duties at any place in the area under his charge.

(2) Such additional Police shall be employed at the cost 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 appointing authority thinks fit.

(3) If the person upon whose application such additional Police are employed shall at any time make a written requisition to the appointing authority to which the application for the employment of additional Police was made, for the withdrawal of the said Police, he shall be relieved from the cost thereof at the expiration of such period not exceeding one month from the date of the delivery of such requisition, as the State Government or the appointing authority, as the case may be, shall determine.

**48. Employment of additional Police at large works and when apprehension regarding behaviour of employees exists :-**

(1) Whenever it appears to the State Government or a competent

authority that-

(a) any large work which is being carried on or any public amusement which is being conducted is likely to impede the traffic or to attract a large number of people, or

(b) 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 necessitates the employment of additional Police at, such place, the State Government or the competent authority may depute such additional Police to the said place as it shall think fit and keep the said Police employed at such place for so long as such necessity shall appear to it to continue.

(2) Such additional Police shall be employed at the cost of the person by whom the work, amusement, manufactory or concern is being constructed, conducted or carried on and the said person shall pay the costs therefor at such rates as the State Government or the competent authority, as the case may be, shall from time to time require.

**49. Recovery of cost of additional Police employed under section 47 and 48 :-**

In case of any dispute under section 47 or 48 the decision of <sup>96</sup>the District Magistrate, <sup>97</sup>shall be conclusive as to the amount to be paid and as to the person by whom it is to be paid and the sum, so ascertained may, on the requisition of <sup>98</sup> the District Magistrate, be recovered by the Collector as if it were an arrear of land revenue due by the person found to be answerable therefor.

The words "the Chief Presidency Magistrate, in Greater Bombay, and" were deleted by the Gujarat Adaption of Laws (State and Concurrent Subjects) Order, 1960.

The words "in the district", were deleted

The words "the Chief Presidency Magistrate or" were deleted

**50. Employment of additional Police in cases of special danger to public peace :-**

(1) If in the opinion of the State Government any area is in a disturbed or dangerous condition or in which the conduct of the inhabitants or any particular section of the inhabitants renders it expedient temporarily to employ additional Police, it may by notification in the Official Gazette specify -

(a) the area (hereinafter alleged "the disturbance area") in which the additional Police is to be employed.

(b) the period for which the additional Police is to be employed:

Provided that the period fixed under' clause (b) may be extended by the State Government from time, to time if in its opinion it is necessary to do so in the general interest of the public. The cost of the additional Police shall be a tax imposed under this section and shall be recovered in the manner prescribed in the succeeding sub-section.

(2) The decision of the State Government under clauses (a) and (d) of sub-section (1) shall be final.

(3) On the issue of such notification, the State Government may require,-

(a) in any disturbance area which is within the limits of a Corporation the Municipal Commissioner, the Collector or any other authority,

(b) in any disturbance area which is within the limits of a municipality, the municipality, the Collector or any other authority,

(c) in any disturbance area which is outside the areas specified in clauses (a) and (b), the Collector or any other authority, to recover, whether in whole or in part, the cost of such additional Police generally from all persons who are inhabitants of the disturbance area or specially from any particular section or sections, or class or classes of such persons, and in such proportion as the State Government may direct:

Provided that where the Municipal Commissioner or the Municipality is directed to recover such cost, an additional sum not exceeding 3 per cent, of the amount of such cost shall also be recoverable.

(4)

(i) The State Government may require the 'Municipal Commissioner or the Municipality to recover such cost and the additional sum by an addition to the general or property tax which shall be imposed and levied in all or such of the municipal wards, sub-wards or sections thereof, as the state Government may direct. Every addition to the general or property tax imposed under this sub-section shall be recovered by the Municipal Commissioner or the

Municipality from each person liable therefor in the same manner as the general or property tax due from him. The provisions of the relevant Municipal Act shall apply to any such addition as if it were part of the general or property tax levied under the said Act. Such addition shall be a charge along with the general or property tax, on the properties in such municipal wards or sub-wards or section.

(ii) The State Government may also require the Municipal Commissioner or the Municipality to recover such cost and the additional sum from each person liable therefor under sub-section (3) in such manner as the State Government may direct.

(iii) Where the Municipal Commissioner or a Municipality makes default in imposing and levying any such tax or in making such recovery, the State Government may direct the Collector to impose and levy such tax or to make such recovery.

(5) Every amount recoverable by the Collector or other authority under this section shall be recoverable as if it were an arrear of land revenue due by the person liable therefor.

(6) It shall be lawful for the State Government by order to exempt any person from liability to bear any portion of the cost of such additional Police.

(7) Out of the total amount recovered by the Municipal Commissioner or by a Municipality under sub-section (4) or (5) whether before or after the coming into operation of this Act the amount of the cost shall be paid to the State Government and the balance, if any, shall be credited to the municipal fund constituted under the relevant Municipal Act. Such amount of cost shall be paid to the State Government every three months.

Explanation.-In this section the expression of "inhabitants" when used with reference to any area includes 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 rent from holders or occupiers of land in such area notwithstanding that they do not actually reside therein.

## **51. Compensation for injury caused by unlawful assembly, how recoverable-Date to be fixed for liability :-**

(1) When any loss or damage is caused to any property or when

death results or grievous hurt is caused to any person or persons, by anything done in the prosecution of the common object of an unlawful assembly, the State Government may, by notification in the Official Gazettee, specify-

(a) the area, (hereinafter called "the disturbance area"), in which in its opinion such unlawful assembly was held;

(b) the date on which or the period during which such unlawful assembly was held.

(2) The decision of the State Government under clauses (a) and (b) of sub-section (1) shall be final.

(3) On the issue of a notification under sub-section (1) **5/FNR> [\*\*\*\*\*] and the District Magistrate, 100[\*\*\*\*] 5[with the previous sanction of the 7[State Government] may, after such inquiry as he deems necessary, determine the amount of the compensation which, in his opinion, should be paid to any person or persons, in respect of the loss or damage or death or grievous hurt aforesaid. The amount of compensation shall be a tax imposed under this section and shall be recovered in the manner prescribed in the succeeding sub-sections.**

(4) **7**[The District Magistrate] may require-

(a) in any disturbance area which is within the limits of a Corporation, the Municipal Commissioner, the Collector or any other authority;

(b) in any disturbance area which is within the limits of a municipality, the Collector or any other authority, and

(c) in any disturbance area which is outside the area specified in clauses (a) and (b) the Collector or any other authority, to recover the amount (hereinafter called "the compensation amount") as determined under sub-section (3) either in whole or in part and where the Municipal Commissioner or the Municipality is required to recover such amount an additional sum not exceeding three per cent, of the compensation amount (hereinafter referred to as "the Municipal recovery cost"), generally from all persons who were inhabitants of the disturbance area or specially from any particular section or sections, or class or classes of such persons in the said area, and in such proportion as **7\* \* \*** the District Magistrate may direct.

(5)

( i ) **105**[ The District Magistrate], may require the Municipal Commissioner or the Municipality concerned to recover the compensation amount and the municipal recovery cost, by an addition to the general or property tax which shall be imposed and levied in the disturbance area. Every addition to the general or property tax imposed under this sub-section shall be recovered by the Municipal Commissioner or the Municipality concerned from each person liable therefore, in the same manner as the general or property tax due from him. The provisions of the relevant Municipal Act shall apply to any such addition as if it were part of the general or property tax levied under the relevant Municipal Act. Such addition shall be a charge along which the general or property tax on the properties in the area aforesaid.

(ii) **106**[The District Magistrate] may also require the Municipal Commissioner or the Municipality concerned to recover the compensation amount and the municipal recovery cost each person liable, therefor under sub-section (4) in such manner as he may direct.

(6) Where a Municipal Commissioner or a Municipality makes a default in imposing and levying any such tax or in making any such recovery, the State Government may direct the Collector to impose and levy such tax or to make such recovery.

(7) Every amount recoverable by the Collector or other authority under this section shall be recoverable as if it were an arrear of land revenue due by the person liable therefor.

(8) Out of the total amount recovered by the Municipal Commissioner or by a Municipality under sub-section (5) or (7), whether before or after the coming into operation of this Act, the proportionate of amount of the municipal recovery cost shall be deducted therefrom and the **107**[the District Magistrate] under sub-section (3) shall be paid to him for the payment of compensation to the persons entitled thereto and the balance, if any, shall be credited to the Municipal fund constituted under the relevant Municipal Act. Such amount shall be paid to **108**[the District Magistrate] every three months.

(9) It shall be lawful for **109**[the District Magistrate] by order, to exempt any persons from liability to pay any poition of the compensation amount.

(10) The State Government may, (a) on its own motion, or (b) on an application made by a person within a period of thirty days from the date of the order of <sup>110</sup> [the District Magistrate] granting or refusing to grant an exemption thereunder, set aside or modify such order.

Explanation.-In this section the expression "inhabitants" when used with reference to any disturbance area includes 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 rent from holders or occupiers of land in such area, notwithstanding that they do not actually reside therein.

The words "the Chief Presidency, Magistrate, in Greater Bombay, and" were deleted by the Gujarat Adaptation of Laws (State and Concurrent Subject) Order, 1960.

The words "in Districts" were deleted

These words were inserted by Bombay 8 of 1958, Section 3 Schedule.

These words were substituted for the words "Revenue Commissioner" by Gujarat 15 of, 1964, Section 4 sch.

The words "the Chief presidency Magistrate or "were deleted, *ibid*, These words were substituted for the words "The Chief Presidency Magistrate or the District Magistrate as the case may be" by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

These words were substituted for that words, "the Chief Presidency Magistrate or the District Magistrate, as the case may be," by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

## **52. District Magistrate to award or apportion compensation**

:-

\* \* \* \_

(1) It shall be lawful for <sup>1</sup>[the District Magistrate] <sup>113</sup>[State Government] ] to award or apportion all or any moneys recovered as compensation amount under sub-sections (1) to (8) of section 51 to any persons or among all or any persons whom he considers entitled to compensation in respect of loss or damage or death or grievous hurt aforesaid.

(2) No compensation shall be awarded under this section upon a claim made within 45 days from the date of the notification issued by the State Govt. under sub-s. (1) of section 51 and unless <sup>114</sup>[the District Magistrate is satisfied that the person claiming



compensation or where such claim is made in respect of the death of any person, that the person also has himself been free, from blams in connection with the occurrence which led to the loss, damage, death or grievous hurt as aforesaid.

(3) The compensation payable to any person under section 61 in respect of death or grievous hurt shall not in any Way be capable of being assigned or charged or be liable to attachment or to pass to any person other than the person entitled to it by operation of law, nor shall any claim be set off against the same.

(4) Every direction and order made by <sup>115</sup> [the District Magistrate] under this or the preceding section shall be subject to revision by the State Government 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.

These words were substituted for the words "Revenue Commissioner by Gujarat 15" 1964, Section Sch.

These words were substituted for that words, "the Chief Presidency Magistrate or the District Magistrate, as the case may be," by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

The words "Chief Presidency Magistrate or" were deleted by the Gujarat Adptation of Laws (State and Concurrent Subjects) Order, 1960.

### **53. District Magistrate to discharge functions under order of State Government :-**

\* \* \* \* .- <sup>117</sup> [The District Magistrate] shall discharge his functions under sections 51 and 52 subject to any general or special order of the State Government in this behalf.

The words "Chief Presidency Magistrate or" were deleted by the Gujarat Adptation of Laws (State and Concurrent Subjects) Order, 1960.

### **54. Proportion are recovery of the cost of additional Police and compensation for loss caused by unlawful assembly :-**

(1) Notwithstanding anything contained in the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947 (Bom LVII of 1947) <sup>118</sup> [ or any law corresponding thereto in force in any area of the <sup>119</sup> [State of Gujarat], where under the provisions of section 50 or 51 the Municipal Commissioner, the Municipality or the Collector, as the case may be, to is recover the cost of the additional police

including the additional sum referred to in sub-section (3) of section 50 (hereinafter called "the additional cost") or the compensation amount and the municipal recovery cost (hereinafter called "the riot tax") by an addition to the general or property tax, the landlord from whom any portion of the additional cost or the riot tax is recovered, in respect of any premises shall be entitled to recover 75 per cent of such portion from the tenant in the occupation of the premises during the period fixed under sub-section (1) of section 50 or on the date or during the greater part of the period specified under clause (b) of sub-section (1) of section 51, as the case may be, in the manner specified in sub-section (2).

(2) The amount referred to therein, shall bear the same proportion as the rent payable by him in respect of the premises in his occupation bears to the total amount of rent recoverable for the whole premises if let and the same shall be recoverable from the tenants is not less than four equal instalments. **120** [ \* \* \* \* \*

These words were inserted by Bom 34 of 1959, Section 18.

These words were substituted for the words "State of Gujarat by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

Sub-section (3) was deleted by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

### **55. Dispersal of ganags and bodies of person :-**

Whenever it shall appear in **121**[\* \* \* areas in which a Commissioner is appointed under section 7 to the Commissioner and in a district to the District to the District Magistrate, the Sub-Divisional Magistrate or the District Superintendent specially empowered by the State Government in that behalf, that the movement or encampment of any gang or body of persons in the area in his charge 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 officer may, by notification addressed to the persons appearing to be the leaders or chief men such gang or body and published by beat of drum or otherwise as such officer 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 disperse and each of them to remove himself outside the area within the local limits of jurisdiction **122**[or such area and any district or districts, or any part thereof, contiguous thereto] within such officer shall prescribe and not to enter the area **123** [or the

area and such contiguous district, or part thereof, as the case may be] or return to the place from which each of them was directed to remove himself.

The words "Greater Bombay and in other" were deleted  
These words were inserted by Bombay 1 of 1956, Section 3(1).  
These words were inserted, Section 3(2).

#### **56. Removal of persons about to commit offence :-**

Whenever it shall appear in **124**\* \* \* areas for which a Commissioner has been appointed under section 7 to the Commissioner and in other area or areas to which State Government may, by notification in the Official Gazette extend the provisions of this section, to the District Magistrate, or the Sub-Divisional Magistrate **125**[\*\*] empowered by the State Government in that behalf (a) that the movements or acts of any person are causing or calculated to cause alarm, danger or harm to person or property, or (b) that there are reasonable grounds for believing that such person is engaged or is about to be engaged in the commission of an offence involving force or violence or an offence punishable under Chapter XII, XVI or XVII of the Indian Penal Code, or in the abetment to any such offence,, and when in the opinion of such officer witnesses are not willing to come forward to give evidence in public against such person by reason of apprehension on their part as regard the safety of their person or property, or (c) that an outbreak of epidemic disease is likely to result from the continued residence of an immigrant, the said officer may, by an order in writing duly served on him or him or by beat of drum or otherwise as he thinks fit, direct such person or immigrant so to conduct himself as shall seem necessary in order to prevent violence and alarm or the outbreak or spread or spread of such disease or to remove himself outside the area within the local limits of his jurisdiction **126**[or such area and any district or districts, or any part thereof, contiguous thereto] by such route and within such time as the said officer may prescribe and not to enter or return to the said area **127** [or the area and such contiguous districts, or part thereof as the case may be,] from which he was directed to remove himself.

The words "Greater Bombay and other" were deleted by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960,  
The word "specially" was deleted by Gujarat 16 of 1978, Section 11.

The words were inserted by Bombay I of 1956, Section 4(1).  
These words were inserted, *ibid*, Section 4(2).

### **57. Removal of persons convicted of certain offences :-**

If a person has been convicted,

(a) of an offence under Chapter XII, XVI or XVII of the Indian Penal Code, (XLV of 1860), or

**128**[

(b) twice of an offence -

(i) under section 9 of the Bombay Beggars Act, 1945 (Bom XXIII of 1945) or under the Bombay Prevention of Prostitution Act, 1923, (Bom XI of 1923) or the Saurashtra Prevention of Prostitution Act, 1952, (Sau. VIII of 1952), the Hyderabad Suppression of Immoral Traffic Act 1962, (Hyd. XLIX of 1952) the Madhya Pradesh Suppression of Immoral Traffic Act, 1953, (M P. III of 1953) or the Suppression of Immoral Traffic in Women and Girls Act, 1936, (CIV of 1956) or,

(ii) within a period of three years, under section 65 or 68 of the Bombay Prohibition Act, 1959 (Bom XXV of 1949)<sup>129</sup>[\* \* \* \* \*  
\*]or

(c) thrice, of an offence within a period of three years, under any of the provisions of the <sup>130</sup>[Bombay Prohibition Act, 1949] (Bom XXV of 1949) or under section 4 or 12A of the Bombay Prevention of Gambling Act, 1887, (Bom IV of 1887) or under section 4 or 12A of that Act as in force in the Saurashtra area or the Kutch area of the <sup>131</sup>[State of Bombay], or under section 4 of the Gambling Act, or section 3 of the Public Gambling Act, 1867 (Hyd ) I of 1305 F. III of 1867) is in force in the Vidarbha region of the State of Bombay].

the Commissioner the District Magistrate or the Sub-Divisional Magistrate <sup>132</sup>[\*] empowered by the State Government in this behalf, if he has reason to believe that such person is likely again to engage himself in the commission of an offence similar to that for which he was convicted, may direct such person to remove himself outside the area within the local limits of his jurisdiction <sup>133</sup>[or such area and any district or districts, or any part thereof contiguous thereto] by such route and within such time as the said officer may prescribe and not to enter or return to the area] <sup>134</sup> [or the area and such continuous districts or part thereof, as the case may be] from which he was directed to remove himself.

Explanation-For the purpose of this section "an offence similar to that for which a person was convicted" shall mean -

(i) in the case of a person convicted of an offence mentioned in clause (a) an offence falling under any of the Chapters of the Indian Penal Code (XLV of 1860) mentioned in that clause, and

(ii) in the case of a person convicted of an offence mentioned in clauses (b) and (c), an offence falling under the provisions of the Acts mentioned respectively in the said clauses.

Clauses (b) and (c) were substituted for the original by Bom 1959, sec. 19.

The portion beginning with the words and figures "or under section 65 or 68, or that Act" and ending with the figures '1938' was deleted by Bom. 22 of 1960. Section 98.

These words and figures were substituted for the words "aforesaid Prohibition Acts"

These words shall stand unmodified, vide the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

These words "specially" was deleted by Guj 16 of 1978, Section 12.

These words were inserted by Bombay I of 1956, 5(1).

These words were inserted by Bom 1 of 1956, Section 5(2).

## **58. Period of operation of orders under sections 55, 56 and 57 :-**

(1) A direction made under section 53, 56 or 57 not to enter any particular area <sup>135</sup> [or such area and any district or districts, or any part thereof, continuous there to, as the case may be] shall be for such period as may be specified therein and shall in no case exceed a period of two years from the date on which it was made.

These words were inserted, by BOM, 1 of 1906, Section 6.

## **59. Hearing to be given before order under sections 55, 56, or 57 is passed :-**

(1) Before an order under section 55, 56 passed against any person the officer under and of the said sections or any officer above the rank of an Inspector authorised by that officer's shall inform the person in writing of the general nature of the material allegations against him and give him a reasonable opportunity of tendering an explanation regarding them. If such person makes an application for the examination of any witness produced by him, the authority or officer concerned shall grant such application; and examine such witness unless for reasons to be recorded in writing, the authority

or officer is of opinion that such application is made for the purpose of vexation or delay. Any written statement put in by such person shall be filed with the record of the case. Such person shall be entitled to appear before the officer proceeding under this section by an advocate or attorney for the purpose of tendering his explanation and examining the witnesses produced by him.

(2) The authority or officer proceeding under sub-section (1) may, for the purpose of securing the attendance of any person against whom any order is proposed to be made under section 55, 56 or 57, require such person to appear before him and to pass a security bond with or without sureties for such attendance during the inquiry. If the person fails to pass the security bond as required or fails to appear before the officer or authority during the inquiry, it shall be lawful to the officer or authority to proceed with inquiry and thereupon such as was proposed to be passed against him may be passed.

#### **60. Appeal :-**

**136**[

(1)] Any person aggrieved by an order made under section 55, 56 or 57 may appeal to the State Government within thirty days from the date of such order.

**137** [(2) An appeal under this section shall be preferred in duplicate in the form of a memorandum, setting forth concisely the grounds of objection to the order appealed against, and shall be accompanied by that order or a certified copy thereof.

(3) On receipt of such appeal, the State Government may after giving a reasonable opportunity to the appellant to be heard either personally or by a pleader, advocate or attorney and after such further inquiry, if any, as it may deem necessary, confirm, vary or cancel or set aside the order appealed against, and make its order accordingly:

Provided that the order appealed against shall remain in force pending the disposal of the appeal unless the State Government otherwise directs.

(4) In calculating the period of thirty days provided for an appeal under this section, the time taken for granting a certified copy of the order appealed against, shall be excluded.

This section was renumbered as sub-section (2) of the that section by Bom 36 of 1959, Section 20.

Sub-sections (2), (3) and (4) were added, ibid,

**61. Finality of order passed by State Government in certain cases :-**

An order passed under section 55, 56 or 57 or by the State Government under section 60 shall not be called in question in any Court except on the ground that the authority making the order or any officer authorised by it had not followed the procedure laid down in sub-section (1) of section 59 or that there was no material before the authority concerned upon which it could have based its order or on the ground that the said authority was not of opinion that witnesses were unwilling to come forward to give evidence in public against the person in respect of whom an order was made under section 56.

**62. Procedure on failure of person to leave the area and his entry therein after removal :-**

**138**[

(1)] If a person to whom a direction has been issued under section 55, 56 or 57 to remove himself from an area-

(i) fails to remove himself as directed, or

(ii) having so removed himself, except the with the permission in writing of the authority making the order **139**[as provided in sub-section (2), enters the area within the period specified in the order, the authority concerned may cause him to be arrested and removed in police custody to such place outside the area as the said authority may in each case prescribe.

**140** [

(2) The authority making an order under section 55, 56, or 57 may in writing permit any person in respect of whom such order has been made

]

This section was renumbered as sub-section (1) of that section by Bom. 37 of 1959, Section 3.

These words, brackets and figures were inserted,

This sub-section was added 'ibid, Section 3 (2).

**63. Temporary permission to enter or return to the area from which a person was directed to remove himself :-**

(1) The State Government <sup>3</sup>[or any officer <sup>3</sup>[\*] empowered by the State Government in that behalf] may, by order permit any in respect of whom an order has been made under sections, 55, 56, or 57 to enter or return for a temporary period to <sup>143</sup>[the area or such area and any contiguous districts or part thereof, as the case may be, from which he was directed to remove himself subject to such conditions as it <sup>144</sup>[or he] may by general or special order specify and which such person accepts and may, at any time, revoke any such permission.

(2) In permitting a person under sub-section (1) to enter or return to <sup>145</sup>[the area or such area and any contiguous districts or part thereof, as the case may be] from which he was directed to remove himself, the State Government <sup>146</sup>[or such officer] may require him to enter into bond with or without surety for the observance of the conditions imposed.

(3) Any person permitted under sub-section (1) to enter or return to <sup>147</sup> [the area or such area and contiguous districts or part thereof, as the case may be,] from which he was directed to remove himself shall surrender himself at the time and to the authority specified in the order or in the order revoking the said order, as the case may be.

These words were inserted by Bom 34 of 1959, Section 21(1) (a).  
The words "specially" was deleted by Guj 16 of 1978, Section 13.  
These words were inserted by Bom 34 of 1959, s: 21 (1)(b),  
These words were inserted, ibid, Section 21(2).  
These words were inserted by Bom 1 of 1956, Section 7.

**63AA. Powers of externment of State Government and officers specially empowered :-**

<sup>149</sup> [

(1) The State Government may, in like circumstances and in like manner, exercisable in any area for which a Commissioner is appointed, by the Commissioner, and in a district by the District

(1A) The State Government may, by an order, specially empower any officer in that behalf to exercise its powers under sub-section (1) in relation to such of the section 55, 56 and 57 as may be specified in such order.

]

(2) The provision of section 58, 59, 63, 61, 62 and 63 shall mutatis



mutandis apply to the exercise of any powers under this section, as they apply to the exercise of any power, under sections 55, 56 or 57:

]

Sub-sections (1) and (1A) were substituted for sub-section (1) Guj. 8 of 1980, Section 2.

**63A. Control of camps, parades etc. and banning use of uniforms etc :-**

(1) If the State Government is satisfied that it is necessary in the interest of the maintenance of public order so to do, it may by general or special order, prohibit to restrict throughout the **150** [State of Gujarat] or any part thereof all meetings and assemblies of persons for the purpose of training or drilling themselves or being trained or drilled to the use of arms, or for the purpose of practising military exercises, movements or evolutions or for the purpose aforesaid of attending or holding or taking any part in any camp, parade or procession.

(2) If the State Government is satisfied that the wearing in public by any member of the body or association or organisation to be specified in the order to be issued hereunder of any dress or article of apparel resembling any uniform or part of uniform required to be worn by a member of the Armed Forces of the Union or by a member of the Police Force or of any force constituted under any law for the time being in force, would be likely to prejudice the security of the State or the maintenance of public order, the State Government may, by general or special order, prohibit or restrict the wearing or display in public, of any such dress or article of apparel by any member of such body or association or organisation.

(3) Every general or special order under sub-sections (1) and (2) shall be published in the manner prescribed for the publication of a public notice under section 163.

Explanation.-For the purposes of sub-section (2) is dress or an article of apparel shall be deemed to be worn or displayed in public, if it is worn or displayed in any place to which the public have access

]

These words were substituted for the words "State of Bombay" by the Gujarat Adaptation of Laws, (State and Concurrent Subjects) Order, 1960.

### **63B. Constitution of village defence parties :-**

(1) For the protection of persons, the security of property and the public safety in villages, the District Superintendent may constitute voluntary bodies, hereinafter in this section called, "village defence parties", for any villages within his jurisdiction, as he deems fit.

(2) Subject to any general or special orders which the State Government may make in this behalf, every person between the ages of 20 and 50 and residing in a village and who in the opinion of the District Superintendent is a fit and proper person having regard to the nature of duties and functions to be performed under the provisions of this section shall be eligible for appointment as a member of the village defence party constituted for his village.

(3) The District Superintendent may by a written order signed by himself and sealed with his own seal, appoint any person eligible under sub-section (2) to be a member of a village defence party.

(4) For each village defence party the District Superintendent shall appoint a person eligible under sub-section (2) to be an honorary commandant, called the Kotwal.

(5) For the direction and supervision of village defence parties in a taluka, of Head Constable, to be a Taluka Village Officer, and any person who is willing to serve and in the opinion of the District Superintendent is willing to serve and in the opinion of the District Superintendent is fit, to be a joint Taluka Village Defence Officer.

(6) For the direction and supervision of village defence parties in a district, the District Superintendent may appoint a police officer, not below the rank of sub-Inspector to be a District Village Defence Officer, and any person who is willing to serve and in the opinion of the District Superintendent is fit, to be a Joint District Village Defence Officer.

(7) Members of village defence parties and officers appointed under the section shall be under the direction and control of the District Superintendent and shall receive such training, and discharge such duties, as may be determined by the District Superintendent.

(8) Members of village defence parties and officers (other than police officers) appointed under this section, shall be subject to such terms and conditions of service as may be determined, with the previous approval of the State Government by the District

Superintendent.

(9) The District Superintendent or any officers appointed under this section may at any time call out officers subordinate to them or any member of a village defence party for training or to discharge the duties assigned to them.

(10) Every member of a village defence party and every officer appointed under this section shall-

(a) on appointment receive a certificate in a form approved by the State Government in this behalf;

(b) when called out for duty have the same powers, privileges and

(11) Notwithstanding anything contained in any law for the time being in force a member of a village defence party or any officer (other than a police officer) appointed under this section, shall not be disqualified from being chosen as, or for being, member of-

**151** [(a) the Gujarat Legislative Assembly, or]

(b) any local authority, by reason only of the fact that he is a member of a village defence party or such officer.]

**152** [12] In such districts as the State Government may by notification in the Official Gazette specify, the powers, duties and functions of the District Superintendent, District Village Defence Officer and Taluka Village Defence Officer under this section shall be exercised, performed and discharged by such officers of the Home Guards as the Commandant General Appointed under the Bombay Home Guards Act, 1947, (Bom III of 1947) may direct, and thereupon all the foregoing provisions of this sections shall apply but references therein to the District Superintendent District Village Defence Officer and Taluka Village Defence Officer shall be deemed to be references to the relevant officers of the Home Guards].

This clause was substituted for the original clause (a) by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

Sub-section (12) was inserted by Bombay 34 of 1959. Section 23,

#### CHAPTER 6

Executive powers and duties of the police.

### **64. Duties of a Police officer :-**

It shall be the duty of every Police officer:

(a) promptly to serve every summons and obey and execute every warrant or other order lawfully issued to him by competent authority, and to endeavour by all lawful means to give effect to the lawful commands of his superior;

(b) to the best of his ability to obtain intelligence concerning the commission of cognizable offences or designs to commit such offences, and to lay such information and to 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 cognizable and within his view of non-cognizable offences;

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

(d) to apprehend without unreasonable delay all persons whom he is legally authorised to apprehend and for whose apprehension there is sufficient reason;

(e) to aid another Police officer when called on by him or in case of need in the discharge of his duty, in such ways as would be lawful and reasonable on the part of the officer aided;

(f) to discharge such duties as are imposed upon him by any law for the time being in force.

**65. Power to enter places of public resort :-**

(1) Every Police officer may, subject to the rules and order made by the State Government or by a person lawfully authorised, enter for any of the purposes referred to in section 64 without a warrant, and inspect any place of public resort which he has reason to believe is used as drinking shop or a shop for the sale of intoxicating drugs or a place of resort of loose and disorderly characters.

(2) Power to search suspected persons in a street.-When in a street or a place of resort a person has possession or apparent possession of any article which a Police officer in good faith suspects to be stolen property, such Police officer may search for and examine the same and may require an account thereof, and should the account given by the possessor be manifestly false or suspicious, may detain such article and report the facts to a

Magistrate, who shall thereon proceed according to sections 523 and 525 of the Code of Criminal Procedure, 1898 (V of 1898) or other law in force.

**66. Duties of Police officers towards the public :-**

It shall be the duty of every Police Officer-

- (a) to afford every assistance within his power to disabled or help less persons in the streets, and to take charge of intoxicated persons and of lunatic at large who appears 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 and shelter 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.

**67. Police to regulate traffic, etc, in streets :-**

It shall be the duty of Police officer-

- (a) to regulate and control the traffic in the streets, to prevent obstructions therein and to the best of his 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 at and within public bathing, washing and landing places, fairs, temples, and 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 his ability, to prevent the infraction of any rule or order lawfully made for observance by the public any such place or any such boat.

**68. Persons bound to confirm to reasonable orders of Police**

**:-**

All persons shall be bounded to conform to the reasonable directions a Police officers given in fulfilment of his duties under this Act.

**69. Power of Police officer to restrain remove, etc :-**

A police officer may restrain or remove any person resisting or refusing or omitting to conform to any direction referred to in section 68 and may either take such person before a Magistrate or, in trivial cases, may release him when the occasion is past.

**70. Enforcement of orders issued under section 37, 38 or 39**

**:-**

Whenever a notification has been duly issued under section 37 or an order has been under section 38 or 39, it shall be lawfully for any Magistrate in a District or Police officer to require any person acting or about to act to 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 of such notification, or order as aforesaid, and the tiling seized shall be disposed of according to the order of any District Magistrate having jurisdiction at the place.

**71. Duty of Police to see orders issued under section 43. 55, 56 1[57 or 63 A A] are carried out :-**

It shall be the duty of the Police to see that every regulation and direction made by any authority under sections 43, 55, 56, 1(57 or 63AA) is duly obeyed, to warn persons who from ignorance fail to obey the same and to arrest any person who wilfully disobeys the same.

**72. When Police officer may arrest without warrant :-**

Any Police officer" may, without any order from a Magistrate and without a warrant, arrest -

(1) any person who has concerned in an offence punishable under section 121 or against whom a reasonable complaint has been made or credible information has been received or a reasonable suspicion exists, of his hiiving been concerned in such offence;

(2) any person who contravene a rule or order under clause (x) of

**153** [(2A) any persons who contravenes any order made under sub- section (I) of section 63A;

(3) Any person who commits an offence punishable under section 122 or section 136.

Clause (2A) was inserted by Bom 20 of 1953, Section 8.

**73. When Police may arrest without a warrant :-**

Any Police officer may, without an order from a Magistrate and without a warrant, arrest any person committing in his presence any offence punishable under section 3, 3A, 4, 5, 6 or 6C of the Prevention of Cruelty to Animals Act, 1890 (XI of 1890 <sup>154</sup>[or of that Act Hyd. I of 1313 F) as in force in the Saurashtra area of the <sup>155</sup>[State of Gujarat]<sup>156</sup>

This portion was added by Bom 34 of 1959, Section 24.

These words were substituted for the words "State of Bombay" by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

The words figures and letter "or under section 3, 4, 5 or 5A of the Prevention of cruelty to Animals Act" were deleted

**73A. Extension of sec. 6B of Act XI of 1890 as in force in pre-Re- organisation State to rest of the State for the purposes of sec 74 to 77 :-**

<sup>157</sup>Section 6B of the Prevention of Cruelty to Animals Act, 1890, (X of 1890) as in force in the <sup>158</sup> [Bombay area of the State of Guj.] (hereinafter in this section and in section 74, 75 and 77 referred to as the said Act) is, for the purposes of sections 74 to 77 (both inclusive), here by extend to, and shall be in force in, the remaining areas of the <sup>8</sup>[State of Gujarat] he had in consequence thereof, any provisions corresponding thereto or dealing with the like matter, in force in any such areas of the State shall be deemed to have been substituted by the aforesaid provisions of the said Act.]

This section was inserted by Bombay 34 of 1959, s.25.

These words were substituted for the words "pre-Reorganisation State Bombay excluding the transferred territories" by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

**74. Powers with regard to offences under Act XI of 1890 and corresponding law :-**

When in respect of an animal an offence under section 3 or section 5 or 9 section 6 of the Prevention of Cruelty of Animals Act, 1890,

(XI of 1890) <sup>159</sup>[or under section 3 or 5 or 6 that Act as in force in the Saurashtra area of the [State of Gujarat] (Hyd. of 1313) has been committed, or when there is a reasonable ground for suspecting that such offence has been committed, a Police officer may -

(i) take the animal to a Magistrate, or

(b) if the accused person so requires, take the animal to a veterinary officer, if any, empowered by the State Government in this behalf, or

(c) take the animal to an infirmary appointed under <sup>160</sup>[sub-section (i) of section 6 B] of the said Act for treatment and detention therein pending direction of a Magistrate under <sup>161</sup> [sub-sections (2) and (3) of the said section, or

(d) when the animal is in such a physical condition that it cannot be taken to a veterinary office or a Magistrate, draw up a report of the condition of the animal in the presence of two or more respectable person as describing such wounds, sores, fractures, bruises or other makes of injury as may be found on the body of the animal:

Provided that in cases falling under clause (b) or (d) the Police officer may direct that the animal shall be sent for detention in a dispensary or any suitable place approved by the State Government by general or special order and be there detained until its production before a Magistrate:

Provided further that an animal so detained shall be produced before a Magistrate with the least possible delay and within a period not exceeding three days from the date on which it was sent for detention and shall be handed over to its owner unless the Magistrate passes an order for its further detention in an infirmary.

This portion was substituted for the words and figures "hereinafter in this section and in sections 75 and 77 referred to as the said Act" Bom 34 of 1959, Section 26(1).

These words, brackets and figures were substituted for "subsection (2) of section 6", by Bombay 21 of 1954, s 3, Second Schedule.

These words, brackets and figures were substituted for "sub-section (3)

**75. Power of Magistrate to return animal to person from whose possession it was taken :-**

When an animal is brought before a Magistrate under section 74,



the Magistrate may direct the animal to be returned to the person from whose possession it was taken, on such person giving security to the satisfaction of the Magistrate, binding himself to produce the animal when required, or may direct that the animal shall be sent for treatment and care to an infirmary and be there detained as provided in <sup>162</sup> [sub-section (2) and (3) of section 6B] of the said Act or may make such order as he thinks fit regarding the disposal or custody and production of the animal.

These words, brackets and figures were substitution for sub-section (3) of section 6" by Bom 21 of 1954, Section 3 Second Schedule.

**76. Veterinary officer to examine the animal :-**

The veterinary officer before whom an animal is brought under section 74 shall with all convenient speed examine the same and draw up a report of such examination. A copy of the report shall be delivered free of charge to the accused person if he applies for it.

**77. Animal to be dealt with under Act XI of 1890 :-**

When under section 74 a Police officer directs that an animal shall be sent for detention in a dispensary or any suitable place before its production before a Magistrate or under section 74 a Magistrate directs that an animal shall be sent for treatment and care to an infirmary and be detained therein, the provisions of sub-section <sup>163</sup> [(5), (6) and (7) of section 6B] of the said Act shall, so far as may be, apply.

These brackets, figures and words were substituted for "(5), (6), (7) and (8) of section 6" by Bombay 21 of 1954, Section 3 Second Schedule.

**78. Power of Police Officer to unsaddle the animal or unload :-**

When a Police officer in good faith suspects that any animal being employed in any work or labour is by reason of any sore, unfit to be so employed, he may require the person in charge of such animal to unsaddle or unload if for the purpose of ascertaining whether any sore exists, and, if any person refuses to do so. may himself unsaddle or unload the animal or may cause the same to be unsaddled or unloaded.

**79. Power of Police to arrest without warrant when certain offences committed in his presence :-**

Any Police officer may, without an order from a Magistrate and without a warrant arrest any person committing in his presence any

offence punishable under section 117, or section 125 or section 130 or sub-clause (i), (ii) or (v) of section 131 or clause (i) of section 135 in respect of contravention of any order made under section 39 or 40].

### **80. Other power of arrest :-**

(1) Any Police officer specially empowered in his behalf by a competent authority may arrest without warrant for an offence specified in section 110.

(2) Any Police officer may, on the information of any person in possession or charge of any dwelling house, private premises, or land or ground attached thereto, arrest without warrant any person alleged to have committed therein or thereon an offence punishable under section 120.

### **81. Refusal to obey warning or to accompany Police :-**

A Police officer may arrest without warrant any person committing in his presence in any street or public place any non-cognizable offence punishable under this Act, or under any rule thereunder and for which no express provision has been made elsewhere or under any other law for the time being in force, if such person-

(i) after being warned by a Police officer persists committing such offence, or

(ii) refuses to accompany the Police Officer to a Police Station on being required so to do.

### **82. Police to take charge of unclaimed property :-**

(1) The Police shall take temporary charge-

(a) of all unclaimed property found by, or made over to them, and also,

(b) of all property found lying in any public street, if the owner or person in charge of such property on being directed to remove the same refuses or omits to do so.

(2)<sup>164</sup> [In any area for which a Commissioner has been appointed] the property of which the Police have taken charge under sub-section (1) shall be handed over to the Commissioner.

These words were substituted for the words "In Greater Bombay" by Bom. 56 of 1959, Section 3.

### **83. Intestate property over four hundred rupees in value :-**

(1) <sup>165</sup>[In any area under the charge of a Commissioner] if any property of the nature referred to in section 82 appears to have been left by a person who has died intestate, and not to be under four hundred rupees in value, the Commissioner shall communicate with the Administrator-General, with a view to it, being dealt with under the provisions of the Administrator General's Act, 1913 (II of 1913), or other law for the time being in force.

(2) <sup>166</sup> [In areas outside the charge of a Commissioner] the property shall be delivered to the police-patel, if any, of the town or village in which the same was found, and a receipt therefore taken from the police-patel, who shall forward such property to the Magistrate to whom such police patel is subordinate. If in any such case 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.

This section substituted for the original *ibid*, S.3 Second Schedule. These words were substituted for the words "In areas outside Greater Bombay" ,

### **84. Intestate property over four hundred rupees in value :-**

If the property regarding which a report is made to a Magistrate under section 83 or under section 19 of the Bombay Village Police Act, 1867 (Bom. VIII of 1867), <sup>167</sup>[or of that Act as in force in the Kutch area of the <sup>168</sup> [State of Gujarat], or under section 21 of the Saurashtra Village Police Ordinance, 1949], (Sau. Ord. XXXII of 1949), appears to such Magistrate to have been left by a person who had died, intestate and without known heirs and to be likely if sold in public auction to realise more than four hundred 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 Bombay Regulation VIII of 1827 (a Regulation to provide for the formal recognition of heirs etc.) or other law in force.

These words and figures were inserted by Bom . 34 of 1959 Section 27.

The words figures and letter "or under section 3, 4, 5 or 5A of the Prevention of cruelty to Animals Act" were deleted

### **85. Procedure in other case :-**

(1) In any case not covered by section 83 or 84 the Commissioner

or the Magistrate concerned, as the case may be, shall issue a proclamation specifying the articles of which such property consists and requiring any person who may have a claim <sup>169</sup> [to appear before himself or some other officer whom he appoints in this behalf within three months from the date of such proclamation and establish his claim within a period not exceeding three months after such appearance :

Provided that the Commissioner, the Magistrate or the concerned Officer, may, in any appropriate cast, for reasons to be recorded in writing, extend the said period of three months for establishment of the claim by such further period and subject to such conditions as he may deem fit.]

(2) Power to sell perishable property at once.-If the property, or any part thereof, is subject to speedy and natural decay, or consists of live-stock, or if the property appears to be of less value than 2 fifty rupees], it may be forthwith sold by auction under the order of the Commissioner or the Magistrate concerned, as the case may be and the net proceeds of such sale, shall be dealt with in the same manner as is hereinafter provided for the disposal of the said property.

This portion was substituted for the portion beginning with the words "to appear before" and ending with the words "of such proclamation" by Gujarat 16 of 1975, Section 14(1).

#### **86. Delivery of property to person entitled :-**

(1) The Commissioner or the Magistrate concerned as the case may be, shall, on being satisfied of the title of any claimant to the possession or administration of the property specified in the proclamation issued under sub-section (1) of section 85; order the same to be delivered to him, after deduction or payment of the expenses properly incurred by the Police in the seizure and detention thereof,

(2) Power to take security-the Commissioner or the Magistrate concerned, as the case may be, at his discretion, before making any order under sub-section (I), take such security as he may think proper from the - person to whom the said property is to be delivered and nothing hereinbefore contained shall affect the right of any person to recover the whole or any part of the same from the person to whom it may have been delivered pursuant to such order.

**87. In default of claim property to be at disposal of State Government :-**

If no person <sup>170</sup> [appears within the period specified in the proclamation under sub-section (1) of section 83 and establishes his claim to the property within the period specified in the said sub-section (1) it shall be at the disposal of the State Government, and property, or such part thereof as has not already been sold under sub-section (2) of section 85, may be sold by auction under the orders of the Commissioner, or the Magistrate concerned, as the case may be.

This portion was substituted for the words "establishes his claim to such property within the period specified in the proclamation," s. 15.

**88. Procedure not affected by Indian Succession Act or Administrator General's Act Regulation VIII of 1827 or corresponding law :-**

Nothing in the Indian Succession Act, 1925, (XXXIX of 1923) or in the Administrator General's Act, 1913, (III of 1913) shall apply to intestate property which is dealt with by the Commissioner, under sub-sec. (I) of sec. 85, nor shall the provisions of section 10 of Regulation VIII of 1827 <sup>171</sup> [or of any corresponding, law in force] likewise be deemed to apply to intestate property which is dealt with by a Magistrate under sub-section (i) of section 85.

These words were inserted by Bombay 34 of 1959, Section 28(1).

**89. Police officer may take charge of stray cattle :-**

<sup>172</sup>[ In any area outside the charge of Commissioner], a Police officer may take charge of any animal falling under the provisions of the Cattle Trespass Act, 1971, (1 of 1871) <sup>173</sup>\* \* \* \* which may be found straying in a street and may take or send the same to the nearest pound, and owner and other persons concerned shall thereon become subject to the provisions of <sup>174</sup> [that Act].

These words were substituted for the words "In any area outside Greater Bombay" by Bombay 56, of 1959, Section 3. Schedule.

The portion beginning with the words "or that Act" and ending with the words "Cattle Trespass Act" were deleted by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

These words were substituted for the words "the relevant Act",

**90. Power to establish cattle-pounds and appoint pound keepers :-**

(1) \*[ In any area under the charge of a Commissioner] the Commissioner '\*\*\* shall, from time to time, appoint such places as he thinks fit to be public pounds, and may appoint to be keepers of such pounds police officers of such rank as may be approved by the State Government.

(2) Every pound-keeper so appointed shall, in the performance of his duties, be subject to the direction and control of the Commissioner,

**90A. Penalty for allowing cattle to stay in street or to trespass upon or public property :-**

(1) Whoever in 10[any area under the charge of a Commissioner allows any cattle which are his property or in his charge to stay in any street or to trespass upon any private or public property shall, on conviction be punished-

(1) for the first offence, with imprisonment for a term which may extend to one month or with fine which may extend to three hundred rupees or with both;

(ii) for the second or subsequent offence, with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both.

(2) The Magistrate trying the offence under sub-section (1) may order,-

(a) that the accused shall pay such compensation, not exceeding two hundred and fifty rupees as the Magistrate considers reasonable, to any person for any damage proved to have been caused to his property or to produce of land by the cattle under the control of the accused trespassing on his land; and also,

(b) that the cattle in respect of which an offence has been committed shall be forfeited to the State Government.

(3) Any compensation awarded under sub-section (2) may be recovered as if it were a fine imposed under this section,

(4) An offence under this section shall be cognizable.]

**91. Impounding of cattle :-**

It shall be the duty of every police officer and it shall be lawful for any other person, to seize and take of any such public pound for confinement therein, any cattle found straying in any street or

trespassing upon any private or public property in <sup>175</sup>[any area under the charge of a Commissioner] <sup>176</sup> [\* \* \* \*]

These words were substituted for the words "Greater Bombay" by Bom. 56 of 1959, 3, Schedule.

The words "or in such areas as aforesaid" were deleted by Bombay 20 of 1953, Section II.

## **92. Delivery of cattle claimed :-**

If the owner of the cattle impounded under section 91 or his agent appears and claims the cattle, the poundkeeper shall deliver them to him on payment of the pound fees and expenses chargeable in respect of such cattle under section 94.

## **93. Sale of cattle not claimed :-**

(1) If within ten days after an animal has been impounded no person appearing to be the owner of such animal offers to pay the pound-fee and expenses chargeable under section 94, such animal shall be forth with sold by auction, and the proceeds of the sale shall be paid to any person who, within fifteen days after the sale, proves to the satisfaction of such officer as the Commissioner authorises that he was the owner of such animal, and shall in any other case, from part of the consolidated fund of the State.

(2) No police officer or pound keeper shall directly or indirectly, purchase cattle at a sale under sub-section (1).

## **94. Rate to be fixed by notification :-**

(1) The pound-fee chargeable shall be such as the State Government any, from time to time by notification in the Official Gazette, specify for each kind of animal <sup>177</sup> [\* \* \*]

(2) The expenses chargeable shall be at such rates for each day <sup>178</sup> [ \* \* \* ] in respect of such animal.

The words and figures "or any other officer appointed uader section 60" were deleted by Bombay 20 of 1953. Section 12-

The words and figures "or any other officer appointed under section 90" were deleted by Bom 20 of 1953, Section 12.

## **95. Powers as to inspection and seizure of false weights and measures :-**

(1) Notwithstanding anything contained in section 153 of the Code of Criminal Procedure, 1898 (V of 1898) any Police Officer generally or specially deputed, in <sup>179</sup> [any area under the charge of a

Commissioner], by the Commissioner and elsewhere, by the District Superintendent or any other officer specially empowered in that behalf by the State Government, may without warrant enter any shop or premises for the purpose of inspecting or searching for any weights or measures or instruments for weighing or measuring used or kept therein.

(2) If he finds in such shop or premise weights, measures, or instruments for weighing or measuring he has reason to believe are false, he may seize the same and shall forthwith give information of such seizure to the Magistrate having jurisdiction, and if such weights measures or instruments shall be found by the Magistrate to be false, they shall be destroyed.

(3) Weights and measures, purporting to be of the same denomination as weights and measures, the standards whereof are kept under any law from time to time in force shall, if they do not correspond with the said standards be deemed to be false within the meaning of this section.

The words "for the whole State or for such area as may be specified in the notification" were deleted, Section 13(i).

**96. Procedure to be followed by officers and Magistrates in certain cases :-**

(1) Notwithstanding anything contained in sections 129, 30, sub-section (2) of section 167, and section 173 of the Code of Criminal Procedure, 1898 (V of 1898);-

(i) the powers and duties of a Magistrate under sections 129 and 130 of that Code may in <sup>180</sup>[any area under the charge of a Commissioner], be exercised and performed by the Commissioner,

(ii) the Presidency Magistrate in Greater Bombay to whom an accused person is forwarded under sub-section (2) of section 167 of the Code, may, whether he has not jurisdiction to try the case, from time to time, authorise the detention of the accused in such custody as such Magistrate thinks fit for a term not exceeding fifteen days at a time,

(iii) the officer in-charge of the Police station shall forward his report under section 173 to the Code of the Commissioner or such other officer as the Commissioner may direct in that behalf.

(2) Nothing contained in section 62 of the Code of Criminal



Procedure, 1898, (V of 1898) shall operate to require any officer in charge <sup>181</sup>[any area under the charge of a Commissioner] to submit any Magistrate.

(3) Section 127 and 128 of the Code of Criminal Procedure, 1898, (V of 1898) in their application to Greater Bombay <sup>182</sup> [and any other area for which a Commissioner has been appointed] shall be amended as follows :-

(a) In section 127, for the words "police station" the words "section or any police officer not below the rank of a sub-inspector authorised by the State Government in this behalf" shall be [substituted;

(b) in section 128, for the words "police station whether without the presidency-town" the words and figures "section or any police officer authorised under section 117" shall be substituted.

The words "or any officer appointed as aforesaid" were deleted, s. 13(2).

These words were substituted for the words "Greater Bombay" by 56 of 1952, Section 3 Schedule.

These words were inserted,

**97. A superior Police Officer may himself perform duties imposed the inferry etc :-**

A Police officer rank superror or that of constable may perform any duty assigned by law or by a lawful order to any officer subordinate to him; and in case of any duty imposed on such subordinate, a superior where it shall appear to him necessary, may aid, supplement, supersede or prevent any action of such subordinate by his own action or that of any person lawfully acting under his command or authority, whenever the same shall appear necessary or expedient for giving more complete or convenient effect to the law or for avoiding an infringement thereof.

**98. Emergency duties of police :-**

(1) The State Government may, by notification in the Official Gazette, declare any specified service to be an essential service to the community:

Provided that such notification shall remain in force for one month in the first instance, but may be extended, from time to time, by a like notification.

(2) Upon a declaration being made under sub-section (I) and so

long as it remains in force, it shall be the duty of every police officer to obey an order given by any superior officer in relation to employment upon or in connection with the service specified in the declaration; and every such order shall be deemed to be a lawful order within the meaning and for the purposes of this Act.

## CHAPTER 7

### Offences and Punishment

#### **99. Disregarding the rule of the road :-**

No person shall -

(a) When driving a vehicle along a street and except in cases of actual necessity or of some sufficient reason, for deviation, fail to keep on the left side of such street and when passing any other vehicle proceeding in the same direction fail to keep on the right side of such vehicle; or

(b) Leaving cattle etc., insufficiently tended-Leave in any street or public place insufficiently tended or secured any animal or vehicle.

#### **100. Causing obstruction or mischief by animal :-**

No person shall cause obstruction, damage, injury, danger, the alarm or mischief in any street or public place:-

(i) by any misbehaviour, negligence or ill-usage in the driving, management, treatment or Care of any animal or vehicle; or

(ii) by driving any vehicle or animal laden with timber, poles or other unwieldy articles through a street or public place contrary to any regulation made in that behalf and published by a competent authority.

#### **101. Exposing animal for hire or sale etc :-**

No person shall in any street or public place expose for hire or hire or sale any animal or vehicle, clean any furniture or vehicle, or clean or groom any horse or other animal, except at such times and places as a competent authority permits, or shall train or break in any horse or other animal or make any vehicle or any part of vehicle, or except when in the case of an accident repairing on the spot is unavoidable, repair any vehicle or part of vehicle or carry on therein any manufacturing operation so as to be serious impediment to traffic or a serious annoyance to residents or to the public.

#### **102. Causing any obstruction in a street :-**

No person shall cause obstruction in any street, or public place by allowing any 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 part of a street or public place 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 contrary to any regulation made and published by a competent authority by exposing anything for or setting out anything for sale in or upon any stall, booth, board, cask, basket, or in any other way whatsoever.

**103. Obstructing a footway :-**

No person shall drive, ride, lead, propel or leave on any foot way any animal or vehicle other than a perambulator or fasten any animal so the same can stand across or upon such footway.

**104. Exhibiting mimetic, musical or other performances, etc :-**

No person shall exhibit, contrary to any regulation made and notified by the Commissioner or a District Magistrate as the case may be, and mimetic, musical or other performances of a nature to attract crowds, or carry or place bulky advertisements, pictures, figures or emblems in any street or public place whereby an obstruction to passengers or annoyance to the inhabitants may be occasioned.

**105. Doing offensive acts on or near street or public place :-**

No person shall slaughter any animal, clean a carcass or hide, or bathe or wash his person in or near to and within sight of a street or public place (except at a place set apart for the purpose by order of a competent authority) so as to cause annoyance to the neighbouring residents or to passers by.

**106. Letting loose house, etc., and suffering ferocious dogs to be at large :-**

No person shall any street or public place (a) negligently let loose any horse or other animal so as to cause danger, injury, alarm or annoyance, or suffer a ferocious dog to be at large without muzzle, or (b) set on or urge a dog or other animal to attack, worry or put in fear any person or horse or other animal.

**107. Be thing or washing in place not set apart for those purpose :-**

No person shall baths or wash in or by side of a public well, tank or resevoir not set apart for such purposes by order of a competent authority or in or by the side of any pond, pool, accueduct, part of a river, stream, nala or other source or means of water-supply in which such bathing or washing is forbidden by order of the competent authority.

**108. Defiling water in public wells etc :-**

No person shall defile or cause to be defiled the water in any public well, tank, reservior, pond, pool, aqueduct or part of a river, stream, nala 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 by the order of the competent authority.

**109. Obstructing bathers :-**

No person shall obstruct or incommode a person bathing at a place set apart for the purpose by the order of the competent authority under section 107 by wilful instruction or by using such place for any purpose for which it is not set apart.

**110. Behaving indecently in public :-**

No person shall wilfully and indecently, expose his person in any street or public place or within sight of, and in such manner as to be seen from any street or public place, whether from within any house or building not use indecent language or be have indencently orriotously or in, a disorderly manner in a street or place of public resort or in any office; station or station house.

**111. Obstructing or annoying passengers in the street :-**

No person shall wilfully purch, press, hustle or obstruct any passenger in a street or public place or by violent movements, menacing, gesture, wanton personal annoyance, screaming, shouting, wilfully frightening horses or cattle or otherwise disturb the public peace or order.

**112. Misbehaviour with intent to provoke a breach of the peace :-**

No person shall use in any street or public place 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.

**113. Prohibition against flying kite :-**

No person shall fly a kite so as to cause danger, injury or alarm to persons Chouse] or property.

**114. Begging and exposing offensive ailments :-**

Repealed by Bom. X of 1960 Section I. (4) Schedule.

**115. Committing nuisance in or near street etc :-**

No person shall in or near to any street, public place or place of public resort-

(a) commit a nuisance by easing himself, or

(b) having the care or custody of any child under seven years of age suffer such child to commit a nuisance as aforesaid, <sup>183</sup> [or

(c) spit or throw any dust, ashes, refuse or rubbish so as to cause annoyance to any passer-by.

This word and clause were inserted by Bombay 1 of 1956, Section 12

**116. Disregard of notice in public building :-**

No person shall, in any Court, Police Station, Police Officer, building occupied by Government, - or building occupied by any public body, smoke or spit in contravention of a notice by a competent authority in charge of such place and affixed to such Court, Station, Office or building.

**117. Penalties for offenders under sections 99 to 115 :-**

Any person who contravenes any of the provisions of section 99 to 116 (both inclusive) shall, on conviction, be punished with fine which may extend to <sup>184</sup> [hundred rupees].

These word were substituted for the words "fifty rupees" ibid, Section 13,

**118. Penalty for failure to keep in confinement cattle, etc :-**

(1) In any local area in which the State Govemmens by notification in the Official Gazette brings this section into force, whoever through neglect or otherwise fails to keep in confinement or under restraint between one hour after sunset and sunrise any cattle which are his property or in his charge shall, on conviction, <sup>185</sup> [be punished -

(i) for the first offence, with imprisonment for a term which may extend to one month or with fine which may extend to three

hundred rupees or with both;

(ii) for the second or subsequent offence, with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both].

Explanation.-Cattle shall not be deemed to be kept in confinement within the meaning of this sub-section unless they are effectively confined within a fence, wall or other enclosure and shall not be deemed to be kept under restraint within the meaning of this sub-section unless they are restrained by means of a rope or other attachment

**186** [1 A) The Magistrate trying the offence under sub-section (1) may, order:-

(a) that the accused shall pay such compensation not exceeding two hundred and fifty rupees, as the Magistrate considers reasonable, to any

(b) that the cattle in respect of which the offence has been committed shall be forfeited to the State Government.

(1B) Any compensation awarded under sub-section (1 A) may be recovered as if it were a fine imposed under this section.

(1C) The offence under this section shall be cognizable.]

(2) Any person may seize any cattle not being kept or confinement or under restraint as required by this section and may take or send same to the nearest cattle-pound, and the owner and other persons concerned shall thereon become subject to the provisions of the Cattle Trespass Act, 1871 (1 of 1871). \* \* \* \* \* "All officers of Police and all police patels and all members of the village police shall, when required, aid in preventing resistance to such seizures and rescues from persons making such seizures.

(3) Any fine imposed under this section, may without prejudice to any other means of recovery provided by law, be recovered by sale of all or any of any cattle in respect of which the offence was committed, whether they are the property of the person convicted of the offence or were only in his charge when the offence was committed.

This portion was substituted for the words beginning with the words "be punished" and ending with the word '-or with both' by Bombay 20 of 1953,s.14(1).

Sub-sections (1A), (1B) and (1C) were inserted, *ibid*, Section 14 (2).

**119. Punishment for cruelty to animals :-**

Whoever in any place <sup>187</sup> [in any area for which a Commissioner has not been appointed] cruelly beats, goods, overworks, ill-treats or tortures or causes or procures to be cruelly beaten, goaded, overworked, ill-treated or tortured any animal, shall, on conviction, be punished with imprisonment which may extend to one month or with fine which may extend to one hundred rupees, or with both.

These words were substituted for the words "outside Greater Bombay" by Bombay 56 of 1959, Section 3, Schedule,

**120. Wilful trespass :-**

Whoever without satisfactory excuse wilfully enters or remains in or upon any dwelling house or premises or any land or ground attached thereto, or on any ground, building, monument or structure belonging to Government appropriated to public purposes, or on any boat or vessel, shall, on conviction, or whether he causes any actual damage or not, be punished with fine which may extend to twenty rupees.

**121. False alarm of fire or damage to fire-alarm. :-**

Whoever knowingly gives or causes to be given a false alarm of fire to the fire brigade of a municipality or corporation or to any officer or fireman thereof whether by means of a street fire-alarm, statement, message or otherwise, or with intent to give such false alarm wilfully breaks the glass of or otherwise damages a street fire-alarm, shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to one hundred rupees or with both.

**122. Being found under suspicious circumstances between sunset and sunrise :-**

Whoever is found between sunset and sunrise -

(a) armed with any dangerous instrument with intent to commit offence, or

(b) having his face covered, or otherwise disguised, with intent to commit an offence, or

(c) in any dwelling-house or other building, or on board any vessel or boat without being able satisfactorily to account for his presence there, or

(d) lying or loitering in any street, yard or other place, being a reputed thief and without being able to give a satisfactory account of himself, or

(e) having in his possession without lawful excuse (the burden of proving which excuse shall be on such person) any implement of house breaking, shall, on conviction, be punished with imprisonment for a term which may extend to three months.

**123. Carry weapon without authority :-**

Whoever not being a member of the armed forces of the Union and acting as such or a Police Officer, goes armed with any sword, spear, bludgeon gun or other offensive weapon or with any explosive substance in any street or public place unless so authorised by lawful authority, shall be liable to be dis-armed by any Police Officer, and the weapon or substance so seized shall be forfeited to the State Government, unless redeemed within two months by a payment of such fine not exceeding five hundred rupees as the Commissioner or the District Magistrate in areas under their respective charges imposes

**124. Possession of property of which no satisfactory account can be given :-**

Whoever has in his possession or conveys in any manner, or offers for sale or pawn, anything which there is reason to believe is stolen, property or property fraudulently obtained,, shall, if he fails to account for such possession or to act to the satisfaction of the Magistrate, on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to one hundred rupees or with both.

**125. Taking spirits into public hospital or into barracks or on boards of vessels of war :-**

Whoever:

(a) takes or introduces, or attempts to take or introduce, any spirits or spirituous or fermented liquors or intoxicating drugs or preparations to any public hospital without the permission of a medical officer such hospital, or

(b) not being amenable to the Articles of War takes or introduces, or attempts to take or introduce, any such spirits, liquors, drugs or preparations not belonging to any person above the rank of a non-commissioned officer.



- (i) \* \* \* or into any barracks, guard-rooms or encampments, or,
- (ii) on board or alongside of any vessel of war belonging to Government shall, on conviction, be punished with imprisonment for a term which may extend to two months or with fine which may extend to one hundred rupees or with both and such spirits, liquors, drugs or preparations and the vessels containing the same, shall be forfeited to the State Government.

**126. Omissions by pawn brokers etc :-**

to report to Public possession or tender of property suspected to be stolen Whoever, being a pawn-broker, dealer in second-hand property or worker in metals, or reasonably believed by the Commissioner, or District Superintendent in the areas under their respective charges to be such a person, and having received from a police officer written or printed information that the possession of any property suspected to have been transferred by any offence mentioned in section 413 of the Indian Penal Code, or by any offence punishable under section 417, 418, 419 or 420 of the said Code, is found in possession or thereafter comes into the possession, or has an offer either by way of sale, pawn, exchange, or for custody alteration or otherwise however, made to him of property answering the description contained in such information shall unless (XIV of 1860):

- (i) he forthwith gives information to the Commissioner, or the District Superintendent 'as the case may be, or at a Police station of such possession or offer and takes all reasonable means to ascertain and to give information as aforesaid of the name and address of the person from whom the possession or offer was received, or
- (ii) the property being, as, an article of common wearing apparel or otherwise, incapable of identification from the written or printed information given, has been in no way concealed after the receipt of such information, on conviction, be punished with fine which may extend to fifty rupees in respect of each such article of property so in his possession or offered to him.

**127. Melting, etc. of such property :-**

Whoever, having received such information as is referred to in section 126. melts defaces or puts away or causes or suffers to be altered melted, defaced or put away without the previous permission of the Police any such property, shall on proof that the

same was stolen property within the meaning of section 410 of the Indian Penal Code, or property in respect of which any offence punishable under section 47, 418, 419 or 420 of the said Code, (XLV of 1860) has been committed, be punished with imprisonment for a term which may extend to three years, or with fine, or with both.

**128. Taking pledge from child :-**

Whoever takes from any child not appearing to be above the age of fourteen years any article whatsoever as a pawn, pledge or security for any sum of money, lent advanced or delivered such child, or without the knowledge and consent of the owner of the article buys from such child any article whatsoever, shall on conviction, be punished with fine which may extend to one hundred rupees.

**129. Permission of disorderly conduct at place of public amusement etc :-**

Whoever, being the keeper of any place of public amusement or entertainment, knowingly permits drunkenness or other disorderly behaviour or any gaming whatsoever in such place shall on conviction be punished with a fine which may extend to one hundred rupees.

**130. Cheating at games :-**

Whoever, by any fraud or unlawful device or malpractice in playing at or with cards, dice or other game, or in taking a part in the stakes or wagers or in betting on the sides or hands of the players, or in wagering on the even of any game, sports past-time or exercise, wins from any other person, for himself or any other or others, any sum of money or valuable thing, shall be deemed guilty of cheating within the meaning of section 415 of the Indian Penal Code, and be liable to punishment accordingly. (XLV of 1860)

**130A. Gambling in street :-**

Whoever, assembles with others or joins any assembly in a street assembled for the purpose of gaming or wagering shall on conviction be punished with fine which may extend to fifty rupees or may be released after a due admonition].

**131. Penalty for contravening rules, etc under section 33 :-**

**189**[**190** Save as provided in section 131 A, whoever]

(a) contravenes any rules or order made under section 33 or any or any of the conditions of a licence issued under such rule or order, or

(b) abets the commission of any offence under clause (a) shall, on conviction be punished]

(i) if the rule or order under which the said licence was issued was made under clause (d), (g), (h) (i) sub-clauses and (ii) of clause (r) or clause (u) of sub-section (I) of section 33, with imprisonment for a term which may extend to eight days or with fine which may extend to fifty rupees or with both;

(ii) if the rule or order contravened was made under clause (x) of sub-section (i) of section 33, with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both;

(iii) if the rule or order contravened or the rule or order under which the said licence was issued was made under clauses (n) and (o) of sub-section (1) of section 33 with fine which may extend to two hundred rupees;

(iv) if the rule or order contravened was made under clause (b) of sub-section (1) of section 33 and prohibits the sale or exposure for sale of any goods on any street or portion thereof so as to cause obstruction to traffic or inconvenience to the public

(a) for the first offence, with imprisonment for a term which may extend to two hundred rupees or with both, and

(b) for a subsequent offence, with imprisonment for a term which may extend to six months and with fine which may extend to five hundred rupees; and

(v) if the rule or order contravened or the rule or order under which the said licence was issued was made under any other clause, with fine which may extend to fifty rupees.

This portion was substituted for the original by Bom 21 of 1954, s. 3, Second Schedule.

These words were substituted for the word "whoever" Bam 28 of 1954 S. 19.

### **131AA. Liability of licensee of place of public entertainment for acts of servants :-**

**191** The holder of a licence granted under this Act, in respect of a place of public entertainment shall be responsible, as well as the actual offender, for any offence under section 131 committed by his servant or other agent acting with his express or implied permission

on qis behalf, as if he him self had committed the same, unless he establishes that all due and reasonable precautions were taken by him to prevent the commission of such offence.

Section 131AA was inserted by Bom. 1 of 1956, s. 14.

**131A. Penalty for not obtaining licence or for not renewing licence within specified period in respect of place of public entertainment :-**

(1) Whoever fails to obtain a licence under this Act in respect of a place of public entertainment or to renew a licence granted under this Act, in respect of such place within the prescribed period shall, on conviction, be punished with a fine which may extend to Rs. 50.

(2) Any court trying any such offence shall in addition direct that the person keeping the place of public entertainment in respect of which offence has been committed shall close such place until he obtains a licence or fresh licence, as the case may be , in respect thereof and thereupon such person shall forthwith comply with such direction.

(3) If the person fails to comply with any such direction he shall, on conviction, be punished with imprisonment for a term which may extend to one month or with fine which may extend to Rs. 200 or with both.

(4) Without prejudice to any action taken under sub-section (3) on the failure of such person to comply with the direction of the Court any police officer authorised by the Commissioner the District Magistrate, as

**132. Penalty for disobedience or order under section :-**

Whoever contravenes, disobeys, opposes, or fails to confrom to an order under section 31 requiring him to vacate any premises, shall on conviction be punished with imprisonment which may extend to three months or wit h fine which may extend to five hundred rupees or with both.

**133. Penalty for contravening rules etc., under section 35 :-**

Whoever contravences any rule made under section 35 shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to two hundred rupees or with both.

**134. Penalty for contravention of rule, etc. under section 36**

:-

Whoever, contravenes, disobeys, opposes or fails to conform to any order given by a police officer under section 36 shall, on conviction, be punished with fine which may extend to two hundred rupees.

**135. Penalty for contravention of rule or directions under sections 37, 39 or 40 :-**

Whoever disobeys an order lawfully made under section 37, 39 or 40 or abets the disobedience thereof shall, on conviction, be punished- ed:

(i) if the order disobeyed or of which the disobedience was abetted was made under sub-section (1) of section 37 or under section 39, or section 40, with imprisonment for a term which may extend to one year but shall not except for reasons to be recorded in writing, be less than four months and shall also be liable to fine, and;

(ii) if the said order was made under sub-section (2) of section 37, with imprisonment for a term which may extend to one months or with fine which may extend to one hundred rupees, and

(iii) if the said order was made under sub-section (3) of section 37, with fine which may extend to one hundred rupees.

**136. Penalty for contravening rules, etc , made under section 41 :-**

Whoever disobeys any direction lawfully made under section 38 or abets the disobedience thereof shall, on conviction, be punished with imprison- ment for a term which may extend to thrje months or with fine which may extend to five hundred rupees Or with both.

**137. Penalty for contravening rule, etc. made under section 41 :-**

Whoever opposes or fails to conform to any direction given by the Police under section 41, shall on conviction be punished with fine which may extend to two hundred rupees.

**138. 138 :-**

<sup>192</sup> [Penalty for failure to comply with order under section 42]  
Deleted by Guj 16 of 1978, s. 16.

Section 143A was inserted by Bom. 20 of 1953, S. 1.

**139. Penalty for contravention of a regulation made under sec. 43 :-**

Whoever contravenes or abets the contravention of any regulation

made under section 43 shall, on conviction, be punished with imprisonment which may extend to three months or with fine which may extend to two hundred rupees or with both.

**140. Penalty for contravening directions under section 68 :-**

Whoever opposes or fails to conform to any direction given by the police under section 68. or abets the opposition or failure to do to shall, on conviction, be punished with fine which may extend to fifty rupees.

**141. Penalty for contravention of directions under sections 55, 56, 87 or 63A A :-**

**193** Whoever opposes or disobeys or fails to conform, to any direction issued under section 55, 56, 1[57 or 63AA] or abets apposition to or disobedience of any such direction shall, on conviction, be punished with imprisonment which may extend to one year but shall not, except for reasons to be recorded in writing, be less than four months, and shall also be liable to fine.

Section 143A was inserted by Bom. 20 of 1953, S. 1.

**142. Penalty for entering without permission area from which a person is directed to remove himself or overstaying when permitted to return temporarily :-**

Without prejudice to the power to arrest and remove a person in the circumstances and in the manner provided in section 62, any person who

(a) in contravention of a direction issued to him under section 55, 56, 57 or 63AA enters or returns without permission to the area, or any district or districts or part thereof, from which he was directed to remove himself;

(b) enters or returns to any such area Or district aforesaid or part whereof with permission granted under sub-section (1) of section 62, but fails, contrary to the provisions thereof, to remove himself outside such area at the expiry of the temporary period for which he was permitted to enter or return or on the earlier revocation of such permission, or having removed himself at the expiry of such temporary period or on revocation of the permission, enters or returns thereafter without fresh permission; shall, on conviction, be punished with imprisonment for a term which may extend to two years, but shall not, except for reasons to be recorded in writing, be less than six months, and shall also be liable to fine.

**143. Penalty for failure to surrender in accordance with sub-section (3) of section 63 :-**

Whoever fails without sufficient cause to surrender in accordance with sub-section (3) of section 63 shall, on conviction, be punished with imprisonment which may extend to two years and shall also be liable to fine.

**143A. Penalty for contravention of order under section 63A :-**

(1) Whoever, contravenes any order made under sub-section (1) of section 63A shall, on conviction, be punished with imprisonment for a term which may extend to one year or with fine or with both.

(2) Whoever contravenes any order made under sub-section (2) of section 63A shall, on conviction, be punished with imprisonment for a term which may extend to three years or with fine or with both],

**143B. Dangerous performances :-**

**194** (1) No person shall without the previous permission of the Commissioner or the District Magistrate, as the case may be, and except in accordance with any conditions subject to which such permission is granted hold or give, in any place which is likely to cause an assembly of persons, any performance in which or during which he buries himself under ground, or seals himself in any room or receptacle or other thing in such manner as to prevent all access of air to him and for such time as would ordinarily result in death by suffocation.

(2) If any person contravenes or attempts to contravene the provisions of this section he shall, on conviction, be punished with imprisonment for a term which may extend to one year or with fine or with both.

(3) Notwithstanding anything contained in the Code of Criminal Procedure, 1898, (V of 1898) the offence punishable under this section shall be cognisable.]

Section 14B was inserted by Bom. 35 of 1959, S. 31,

**144. Neglect or refused to serve as Special Police officer :-**

Any person who having been appointed a Special Police Officer under sec. 21 shall without sufficient cause to neglect or refuse to serve as such or to disobey any lawful order or direction that may be given to him for the performance of his duties, shall, on

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

**145. Penalty for making false statement etc . and for misconduct of Police officer :-**

(1) Any person who makes a false statement or uses a false document for the purpose of obtaining employment or release from employment as a police officer, or

(2) Any police officer who (a) is guilty of cowardice, or (b) resigns his office or withdraws himself from duties thereof in contravention of section 29, or (c) is guilty of any wilful breach or neglect of any provision of law or any rule, or order which as such police officer, it is duty to observe or obey, or (d) is guilty of any violation of duty for which no punishment is expressly provided by any other law in force, shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to one hundred rupees or with both.

(3) Consequence of failure to return to duty after leave. 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 purpose of clause (b) of sub-section (2), be deemed to withdraw himself from the duties of his officer within the meaning of section 29.

**146. Penalty for failure to deliver up certificate of appointment or officer or other article :-**

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 30 shall, on conviction, 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.

**147. Vexatious entry, searches, arrest, etc. by police officer :-**

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,

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



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

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

(e) holds out any threat or promise not warranted by law, shall for every such offence, on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees, or with both.

**148. Penalty for vexatious delay in forwarding a person arrested :-**

Any police officer who vexatiously and unnecessarily delays forwarding any person arrested to a Magistrate or to any other authority delays forwarding any person arrested to a Magistrate or to any other authority to whom he is legally bound to forward such person, shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both.

**149. Penalty of opposing or not complying with direction given under section 70 :-**

Whoever opposes or fails forthwith to comply with any reasonable direction given by a Magistrate or a police officer under section 70 or abets opposition thereto or failure to comply therewith, shall on conviction be punished with imprisonment for a term which may extend to one year but shall not except for reasons to be recorded in writing be less than four months and shall also be liable to fine.

**149A. Penalty for unauthorised use of police uniforms :-**

<sup>195</sup>If any person not being a member of the Police Force, wears, without the permission of an officer authorised by the State Government in this behalf by a general or special order for any area <sup>196</sup>[in the <sup>197</sup> [State Govern- ment t he uniform of the police force or any dress having the appearance, or bearing any of the distinctive marks of that uniform, he shall, on con ic- tion be punished with fine which may extend to two hundred rupees.]

This section was inserted by Bom. 6 of 1955, s. 3.

These were substituted for the words'-in the State" by the Bombay Adaptation of Laws (State and Concurrent Subjects) Order, 1936.

These words substituted for the words "State of Bombay" by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

**150. Jurisdiction when offend or is a police officer above the rank of constable :-**

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 not be cognizable except by \* \* \* a Magistrate not lower than a second class Magistrate.

**151. Prosecution for certain offences against the Act to be in the discretion of the Police :-**

It will not except in obedience to a rule or order made by the State Government or by the competent authority, be incumbent on the police to prosecute for an offence punishable under section 117, 119, 131, 134, 137, 139, 140 or 144, when such offence has not not occasioned serious mischief and has been promptly desisted from on warning given.

**151A. Summary disposal of certain cases :-**

**198**

(1) A Court taking cognizance of an offence punishable under clause (v) of section 131, for contravention of a rule or order made under clause (b) or (c) of sub-section (I) of section 33, may state upon the summons to be served on the accused person that he may, by a specified, date prior to the hearing of the charge plead guilty to the charge by registered letter and remit to the Court such sum, not exceeding twenty-five rupees, as the Court may specify.

(2) When an accused person pleads guilty and remits the sum specified, no further proceedings in respect of the offence shall be taken against him.

This section was inserted by Bom. 1 of 1956, s. 17.

**152. Prosecution of offences under other enactments not affected :-**

Nothing in this Act shall be construed to prevent any person from being prosecuted and punished under any other enactment for any offence made punishable by this Act or from being prosecuted and punished under this Act for an offence punishable under any other enactment :

Provided that all such cases shall be subject to the provisions of section 403 of the Code of Criminal Procedure, 1898 (V of 1898).

**CHAPTER 8**

Miscellaneous

**153. Disposal of fees, rewards, etc :-**

All fees paid for licences or written permission issued under this Act, and all sums paid for the service of processes by police officers and all rewards, forfeitures and penalties or shares thereof which are by law payable to police officers as informers shall, save in so far as any such fees or sums belong under the provisions of any enactment in force to any local authority, be credited to the State Government :

Provided that with the sanction of the State Government or under any rule made by the State 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.

**154. No municipal or other rates to be payable by State Government on police buildings :-**

No municipal or other local rates shall be payable by the State Government on account of the occupation or use of any house or place <sup>199</sup>[by members of the police force for the convenient performance of their duties <sup>200</sup>[in the Bombay area of the State of Gujarat] and also in such of the remaining areas of the <sup>201</sup> [State of Gujarat] as may be notified by the State Government in the Official Gazette}

Section 159A was inserted by Bom. 57 of 1954, s. 5, These words were substituted for the words "in any area of the pre-Reorganisation State of Bombay, excluding the transferred territories and Greater Bombay" by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960. These word were substituted for the words "State of Bombay", ibid,

**155. Method of proving orders and notification :-**

Any order or notification published or issued by the State Government or by a Magistrate or officer under any provision of this Act and the due publication or issue thereof may be proved by the production of a copy thereof in the Official Gazette, or of a copy thereof signed by such Magistrate, or officer, and by him certified to be a true copy of an original published or issued according to the provisions of the section of this Act applicable thereto.

**156. Rules and orders not invalidated by defect of form or irregularity in procedure :-**

No rule, order, direction, adjudication, inquiry or notification made

or published, and no act done under any provisions of this Act or of any rule made under this Act, or in substantial conformity to the same, shall be deemed illegal, void, invalid or insufficient by reason of any defect of form or any irregularity of procedure.

**157. Presumption in productions for contravention of directions issued under section, 55, 56, 57 or 63 AA :-**

Whenever in consequence of the office of a Commissioner, Magistrate or Police Officer becoming vacant, any officer holds charge of the post of such Commissioner, Magistrate, or Police Officer of succeeds either temporarily or permanently to his office, such officer shall be competent to exercise all the powers and perform all the duties respectively conferred and imposed by this Act on such Commissioner, Magistrate or Police Officer as the case may be.

**157. Officers holding charge of or succeeding to vacancies competent to exercise powers :-**

Whenever in consequence of the office of a Commissioner, Magistrate or Police Officer becoming vacant, any officer holds charge of the post of such Commissioner, Magistrate, or Police Officer of succeeds either temporarily or permanently to his office, such officer shall be competent to exercise all the powers and perform all the duties respectively conferred and imposed by this Act on such Commissioner, Magistrate or Police Officer as the case may be.

**158. Forfeiture of bond entered into by person permitted to enter or return to the area from which he was directed to remove himself :-**

If any person permitted under sub-section (1) of section 63 fails to observe any condition imposed under the said sub-section or in the bond entered in to by him under sub-section (2) of the said section his bond shall be forfeited and any person bound thereby shall pay the penalty thereof or show cause to the satisfaction of the Court why such penalty should not be paid.

**159. No Magistrate or Police Officer to be liable to penalty or damage for act done in good faith in pursuance of duty :-**

**202** [No Magistrate] or Police Officer shall be liable to any penalty or to payment of damages on account of an act done in good faith, in pursuance or intended pursuance of any duty imposed or any authority conferred on him by any provision of this Act or any other law for the time being in force or any rule, order or direction made

or given therein.

These words were substituted for the words "No Revenue Commissioner, Magistrate" by Guj. 15 of 1964, s. 4 Schedule.

**160. No public servant liable as aforesaid for giving effect in good faith to any rule, order or direction issued with apparent authority :-**

No public servant or person duly appointed or authorised shall be liable to any such order or direction issued with apparent authority by the State Government or by a person empowered in that behalf under this Act or any rule, order or direction made or given thereunder.

**161. Suits or prosecutions in respect of acts done under colour of duty as aforesaid not to be entertained, or to be dismissed if not instituted within one year :-**

(1) In any case of alleged offence by the Commissioner, a Magistrate, Police Officer or other person, or of a wrong alleged to have been done to such Commissioner, Magistrate, Police Officer or other person, by any act done under colour or in excess of any such duty or authority as aforesaid, or wherein, it shall appear to the Court that the offence or wrong if committed or done was of the character aforesaid, the prosecution or suit shall not be entertained, or shall be dismissed, if instituted, more than [one year] after the date of the act complained of.

(2) In suits as aforesaid one month's notice of suit to be given with sufficient description.-In the case of an intended suit on account of such a wrong as aforesaid, the person intending to sue shall be bound to give to the alleged wrong-doer one month's notice at least of the intended suit with sufficient description of the wrong complained of, failing which such suit shall be dismissed.

(3) Complaint to set forth service of notice and tender of amends. The complaint shall set forth that a notice as aforesaid has been served on the defendant and the date of such service, and shall state whether any, and if any, what tender of amends has been made by the defendant. A copy of the said notice shall be annexed to the complaint endorsed or accompanied with a declaration by the plaintiff of the time and manner of service thereof.

**162. Licences and written permissions to {specify conditions etc., and to be signed :-**

(1) Any licence or written permission granted under the provisions of this Act shall specify the person and locality for which, and the conditions and restrictions subject to which, the same is granted, and shall be given under the signature of the competent authority and such fee shall be charged therefor as is prescribed by any rule under this Act in that behalf.

(2) Revocation of licences, etc. -Any licence or written permission granted under this Act may at any time be suspended or revoked by the competent authority, if any of its conditions or restrictions is infringed or evaded by the person to whom it has been granted, or if such person is convicted of any offence in any matter to which such licence or permission relates.

(3) When licence revoked etc. grantee to be deemed without licence. When any such licence or written permission is suspended or revoked, or when the period for which the same was granted has expired, the person to whom the same was granted shall, for all purposes of this Act, be deemed to be without a licence or written permission, until the order for suspending or revoking the same is cancelled, or until the same is renewed, as the case may be.

(4) Grantee to produce licence etc. when required. Every person to whom any such licence or written permission has been granted, shall, while the same remains in force, at all reasonable time, produce the same, if so required by a Police officer. Explanation For the purpose of this section any such Infringement or evasion by, or conviction of a servant or other agent acting on behalf of the person to whom the licence or written permission has been granted shall be deemed to be infringement or evasion by or as the case may be, conviction of, the person to whom such licence or written permission has been granted.

### **163. Public notices how to be given :-**

Any public notice required to be given under any of the provisions of this Act shall be in writing under the signature of a competent authority and shall be published in the locality to be affected thereby, by affixing copies thereof in conspicuous public places, or by proclaiming the same with beat of drums, or by advertising the same in such local newspapers English or regional language or Hindi as the said authority may deem fit, or by any two or more of these means and by any other means it may think suitable.

### **164. Consent etc. of a competent authority may be provided**

**by writing under his signature :-**

Whenever under this Act the doing or the omitting to do anything or the validity of anything depends up in the consent, approval, declaration, opinion or satisfaction of a competent authority, a written document, signed by a competent authority purporting to convey or set forth such consent approval, declaration, opinion or satisfaction shall be sufficient evidence thereof.

**165. Signature on notices etc. may be stamped :-**

Every licence, written permission, notice or other document not being a summons or warrant or search warrant, required, by this Act or by any rule there under, to bear the signature of the Commissioner, shall be deemed to be properly signed if it bears a facsimile of his signature stamped thereon.

**166. Persons inserted may apply to State Government to annul, reverse or after any rule or order :-**

(1) In the case of any rule or order made by the State Government under an authority conferred by this Act and requiring the public or a particular class of persons to perform some duty or act, or to conduct or order themselves of those under their control in a manner therein described, it shall be competent to any persons interested to apply to the State Government by a memorial given to a Secretary to the State Government to annul, reverse or alter the rule or order aforesaid on the ground of its being unlawful, oppressive or unreasonable.

(2) When a suit shall lie to the Dist. Courts to declare a rule or order unlawful After such an application as aforesaid and the rejection thereof wholly or in part or after the lapse of four months without an answer to such application or a decision thereon published by the State Government it shall be competent to the person interested and deeming the rule or order contrary to law to institute a suit against the State for a declaration that the rule or order is unlawful either wholly or in part. The decision in such suit shall be subject to appeal: and a rule or order finally adjudged to be unlawful shall by the State Government be annulled or reversed or so altered as to make it conformable to law.

**167. Repeal and saving :-**

(1) The enactments <sup>1</sup>[specified in Part I of Schedule I] are hereby repealed: Provided that

(i) all rules prescribed, appointments made, powers conferred, orders made or passed, directions and certificates issued, consent, permit, permission or licences given, summons or warrants issued or served, persons arrested or detained or discharged on bail or bond, search warrants issued, bond forfeited, penalty incurred under any such enactment shall, so far as they are consistent with this Act, be deemed to have been respectively prescribed, made, conferred given, passed, served, arrested, detained, discharged, forfeited and incurred thereunder.

(ii) all references made in Bombay Act to any of the Acts hereby repealed shall be read as if made to the corresponding provision of this Act.

(2) Nothing in sub-section (1) shall be deemed to affect-

(a) the validity, invalidity, effect or consequence of anything done or suffered to be done in any area before the date on which the provisions of this Act come into force in such area;

(b) any right, privilege, obligation or liability already acquired, accrued or incurred before such date;

(c) any penalty, forfeiture or punishment incurred or inflicted in respect of any act before such date;

(d) any investigation, legal proceeding or remedy in respect of such right, privilege, obligation, liability, penalty, forfeiture or punishment;

(e) any legal proceeding pending in any Court or before any officer on the aforesaid date or anything done or suffered to be done in the course of such proceedings: and any such proceeding or any appeal or revisional proceedings arising out of such proceeding shall be instituted; continued or disposed of, as the case may be, as if this Act had not come into force.

**1**[(2A) On the commencement of this Act, in that part of the State to which it is extended by the Bombay Police (Extension and Amendment) Act, 1959. (Bom XXX IV of 1959) the laws specified in Part II of Schedule I and in Schedule IV, as in force in that part of the State, shall stand repealed:

Provided that such repeal shall not effect

(a) the previous operation of any law so repealed or anything duly



done or suffered thereunder; or

(b) the right, privilege, obligation or liability acquired, accrued or incurred under any law so repelled; or

(c) any penalty incurred in respect of anything done against any law so repealed;

Provided also that any reference to any such repealed law, or to any provision thereof, in any law for the time being in force, shall be construed as a reference to this Act or to the corresponding provision thereof.]

**205**[(3) The enactment specified in Schedule III in its application to the **206** [Bombay area of the State of Gujarat.] is hereby amended to the extent and in the manner mentioned in the fourth column thereof.]

These words and figures were substituted for the words "specified in Schedule I" by Bom 3 of 1959, s. 34 (1).

Section 159A was inserted by Bom. 57 of 1954, s. 5,

**168. Saving laws relating to Village Police and Reserve Police :-**

Nothing in this Act shall affect the provisions of the Bombay Village Police 1867, (Bom. VIII of 1867) 3[that Act as in force in the Kutch area of the State of Gujarat or of the Saurashtra Village Police Ordinance, 1949, (Sau. Ord. XXXII of 1949), or any law corresponding thereto in force in any part of the State] or any enactment which may be made in regard to the Reserve Police.

**SCHEDULE 1**

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(See Sections 3 and 5 and [sub-sections (1) and (2A) of section 167])
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