

BOMBAY VILLAGE POLICE ACT, 1867

8 of 1867

[December 21, 1867]

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An Act for the regulation of the Village Police in the Presidency of Bombay Preamble WHEREAS it is expedient to provide for the regulation of the Village-police in the Presidency of Bombay; It is enacted as follows :

1. Interpretation clause :-

The terms ¹*, *, "District Superintendent" and "Assistant Superintendent of police", ²[and "Police-officer"], when used in this Act, mean ³[Officers so appointed or deemed to be appointed under the Bombay Police Act, 1951.] ⁴ [The term "Executive Magistrate" when used in this Act has the meaning assigned to it in the Code of Criminal Procedure, 1898 (V of 1898)].

1. The words "Commissioner of Police" were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), as amended by Bom. 1, 1891, s. 2(a)(i). Both these Acts are now however themselves repealed; but see Schedule B to Bom. 3 of 1886, which is printed as an Appendix to the Bombay General Clauses Act, 1904.

2. These words were substituted for the words "Police-Officer" and "District-police" by Guj. 34 of 1961, 2 (i).

3. These words and figures were substituted for the words and figures "those constituted under the Bombay District Police Acts, 1867 and 1890" *ibid.*, s. 2 (ii).

4. This paragraph was added by Bom. 23 of 1951, s. 2, Schedule Part III.

2. Extent :-

On and from the commencement of Bombay Village Police (Gujarat Extension and Amendment) Act, 1961, (Guj. XXXIV of 1961) this Act shall extend also to that part of the State of Gujarat to which it did not extend before such commencement.)

3. Administration, control and direction of village-police in whom vested :-

The administration of the village-police throughout each district shall, under the control and direction of the ¹[State Government] ²*, *, be exercised by the Magistrate of the district, who may, with the sanction of the ¹[State Government] ² * *, delegate any

portion thereof to any Magistrate with full powers having also revenue charge as an Assistant or Deputy Collector.

1. These words were substituted for the word "Commissioner" by Guj. 15 of 1964 s. 4, Sch.

2. The words "of Police" were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886). Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. I of 1904).

4. Power to depute to District Superintendent authority over village- police-officer :-

It shall be lawful for the Magistrate of a district, with the sanction of the ¹[State Government] ² * *, to depute to the District Superintendent of Police any authority which may be exercised by the Magistrate of a district for the purposes of police over any village-police-officer.

1. These words were substituted for the word "Commissioner" by Guj. 15 of 1964 s. 4, Sch.

2. The words "of Police" were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886). Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. I of 1904).

5. Village-police in villages under charge of Police-patel :-

(1) The village-police in each village shall be under the charge of such person as the ¹²[State] Government] shall ³* *, appoint in writing to be Police-patel, and unless the ⁴²[State] Government, ⁶* *, owing to the size of the village or other good cause, see fit to separate the appointments the ¹²[State] Government] shall appoint the person conducting the duties of Revenue-patel to be Police patel.

(2). Appointment of Police-patel, In making the appointment, the ⁹¹⁰[State] Government] shall have due regard to the provisions ¹¹* * * in force for regulating the services of hereditary officers, so far as the same may be applicable; but when the Revenue patel is not appointed Police-patel, and more persons than one claim by reason of hereditary right to perform the duties, in rotation or otherwise, it shall be lawful for the ¹²⁷[State] Government to appoint the most fit from among their number.

(3) Police-patels may be appointed for different divisions of town or place. In any town or place in which the duties cannot be in

rotation or otherwise it shall be lawful for the ⁹[⁷[State] Government may, ¹⁶***** ¹⁷* * * *, appoint a sufficient number of Police-patel for the different divisions of the town or place.

18 [(4) The powers of the State Government under this section may also be exercised by the Magistrate of a district.]

1. The words "Provincial Government" were substituted for the words "Magistrate of the district" by the Adaptation of Indian Laws Order in Council.

2. This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

3. The words "subject to the approval of the Commissioner" were omitted by the Bombay Decentralization Act, 1915 (Bom. 3 of 1915).

4. The words "Provincial Government" were substituted for the word "Commissioner" by the Adaptation of Indian Laws Order in Council.

6. The words "of Police" were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886). Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. I of 1904).

9. The words "Provincial Government" Were substituted for the words "said Magistrate" by the Adaptation of Indian Laws Order in Council.

10. This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

11. The words and figures "of Act XI of 1843, (an Act for regulating the Service of Hereditary Officers under the Presidency of Bombay), or other Act" were repealed by the Repeal Act, 1876 (12 of 1876).

12. The words "Provincial Government" were substituted for the words "Magistrate of the district" by the Adaptation of Indian Laws Order in Council.

16. The words "with the consent of the Commissioner" were omitted by the Adaptation of Indian Laws Order in Council.

17. The words "of Police" were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. II of 1904).

18. Sub-section (4) was inserted by Guj. 34 of 1961, s. 4.

6. Duties of Police-patel :-

The Police-patel shall, subject to the order of the Magistrate of the district act under the orders of ¹[any other Executive Magistrate] within whose local jurisdiction his village is situated, whom he shall furnish with any return of information called for, and keep constantly informed as to the state of crime and all matters connected with the village police the health and general condition

of the community in his village, He shall also afford all Police-officers every assistance in his power when called upon by them for assistance in the performance of their duty. He shall further promptly obey and execute all orders and warrants issued to him by a Magistrate of Police-officer, shall collect and communicate to ² [the Police-officer in charge of the District Police-Station within the limits of which the village is situated,] intelligence affecting the public peace, shall prevent within the limits of his village the commission of offences and public nuisances, and shall detect and bring offenders therein to justice.

1. These words were substituted for the words "the Magistrate" by Bom. 23 of 1951.

2. These words were substituted for the words "District-police" by Guj. 34 of 1961.

7. Authority over village servants :-

The Police-patel shall have authority to require all village-servants, in whatever capacity ordinarily employed, to aid him in performing the duties entrusted to him; and it shall be the duty of the village-revenue-accountant whether hereditary or stipendiary, to frame all written returns and proceedings for the Police-patel.

8. Precautions against robbery, etc :-

The Police-patel shall dispose of the village-establishment so as to afford the utmost possible security against robbery, breach of the peace and acts injurious to the public and to the village-community, and shall report to ¹ [the Executive Magistrate] to whose jurisdiction he is immediately subordinate all instances of misconduct or neglect committed by any members of the said establishment.

1. These words were substituted for the words "the Magistrate" by Bom. 23 of 1951, s. 2, Schedule-Part III.

9. Penalties for neglect of duty, etc :-

Any Police-patel or member of a village-establishment liable to be called on for the performance of Police-duties who shall be careless or negligent in the discharge thereof shall be liable to be fined under the order of ¹ [the Magistrate of the District] to any amount not exceeding the fourth part of the annual emoluments of his office. If he shall be accused of any violation of duty or breach of rule, or of other misconduct which shall seem to such Magistrate to require a heavier punishment, he may suspend him from office during inquiry into such accusation, and at the close of such

inquiry, if the said Magistrate shall consider him guilty of misconduct meriting such punishment, he may suspend him from office for a further period not exceeding six months, or ² [dismiss him :

Provided that, in the case of a Police-patel appointed by the State Government or of a Police-Patel who holds his office under the provisions in force for regulating the services of hereditary officers, the Magistrate shall, if he is of the opinion that the Police-patel should be dismissed, refer his case to the State Government which may pass such orders thereon as it may think fit.].]

1. These words were substituted for the words "any Magistrate of the first class" by Bom. 23 of 1951, s. 2, Schedule-Part III.

2. This portion was substituted for the words beginning with the words "if the Magistrate is of opinion" and ending with the words "as it may think fit" by Guj. 34 of 1961, s. 6.

9A. Liability to criminal prosecution not affected :-

Nothing in the last preceding section shall affect the liability of any Police-patel or other member of a village-establishment to a criminal prosecution for any offence with which he may be charged. Power to suspend during trial. ¹ [The Magistrate of the District] may suspend any person subjected to any such prosecution pending the inquiry and trial].

1. These words were substituted for the words "any Magistrate of the first class" by Bom. 23 of 1951, s. 2, Schedule-Part III.

10. Information to officer in charge of District Police station when criminal in village has escaped or is not known :-

If a crime shall have been committed within the limits of the village, and the perpetrator of the crime has escaped or is not known the Police-patel shall forward immediate information to the Police- officer in charge of the District Police-station within the limits of which his village is situated, and shall himself proceed to investigate the matter, obtaining all procurable evidence relating to it which he shall forward to the said officer.

11. Inquest in cases of unnatural or sudden death or corpse found within village :-

(1) If any unnatural or sudden death occur, or any corpse be found, within the bounds of any village the Police- patel shall forthwith assemble

(2) Punishment for refusing or neglecting to serve on inquest. Any person who, on being called upon by the Police-patel to serve as a member of such inquest, shall without justifiable cause refuse or neglect to do so, shall be liable, on conviction before a Magistrate, to punishment not exceeding fifty rupees, fine, or, in default of payment, to imprisonment for one month.

(3) Corpse when to be forwarded to nearest Civil Surgeon, etc., for examination. If the results of the inquest afford reason for supposing that death has been unlawfully occasioned, the Police-patel shall give immediate notice to the officer in charge of the District Police-station within the limits of which his village is situated, and, if the corpse can be forwarded without the risk of putrefaction by the way, shall at once forward it to the nearest Civil Surgeon or other medical officer appointed by ¹[the ² [State] Government] to examine corpses under such circumstances, who shall endeavour to ascertain the cause of death. When burning to be delayed till officer in charge of police- station assents. Should the Police-patel be unable to forward the corpse without the risk of putrefaction rendering examination useless or dangerous, he shall nevertheless prevent the burning or burying of such corpse until the Police-officer in charge of the District Police-station within the limits of which his village is situated, or one of his subordinates deputed by him or a Magistrate, shall have assented thereto.

1. The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

2. This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

12. Police-patel to apprehend person he believes has committed serious offence :-

(1) The Police-patel shall apprehend any person within the limits of his village who he may have reason to believe has committed any serious offence, and shall forward such person, together with all articles likely to be useful as evidence to the Police-officer in charge of the Police-station within the limits of which his village is situated.

(2) Person apprehended to be forwarded to Police-station. Every person so apprehended shall be forwarded within twenty-four hours to the District Police-station within the limits of which the village is situated.

13. Power to call and examine witnesses record evidence and search for concealed articles :-

(1) The Police-patel in making any inquiry coming within the scope of his duty, ¹***** shall have authority to call and examine witnesses, and ² [record their statement], and to search for concealed articles,

(2) Power to enter limits of other villages. He shall also have authority, in carrying out any search or any pursuit of supposed criminals, to enter and act within the limits of other villages, being bound however to give immediate information to the Police- patel thereof, who shall afford him all the assistance in his power, and be immediately responsible for continuing the search and pursuit.

1. The words "not being a case in which it is competent for him to inflict punishment" were deleted by Guj. 34 of 1961, s. 7(i).

2. These words were substituted for the words "record their evidence on solemn affirmation" ibid.,s. 7(ii).

14. [Power to try and punishment for petty assault or abuse.] :-

Repealed by Bom. 28 of 1949.

15. [Magistrate may issue a commission to Police-patel to try certain offenders. Power patel to punish.] :-

Repealed by Bom. 28 of 1949.

16. [Power to prohibit and to punish for beating, etc. animal; bathing, washing in, or defiling, well, etc; depositing dirt etc; committing nuisance, etc; accumulating offensive matter in cesspools, etc; allowing offensive matter to issue on thorough fare, depositing dead bodies, so as to corrupt water for drinking] :-

Repealed by Bom 28 of 1949.

17. [Proceeding how taken under sections 14, 15 and 16.] :-

Repealed by Bom. 28 of 1949.

18. [Power to cancel commission issued under section 15.] :-

Repealed by Bom. 28 of 1949.

19. Unclaimed property :-

The Police-patel shall take charge of all unclaimed property found

within his village, or made over to him under the provisions of ¹[the Bombay Police Act, 1951] (Bom. XXII of 1951), and shall forthwith make a report to ²[the Executive Magistrate] to whom he is subordinate, and act thereafter as he may be directed by the said Magistrate, unless the property be of a description coming within the provisions of the ³[the Cattle Trespass Act, 1871 (I of 1871) or any law corresponding to that Act in force] ⁴[in which case the Police-patel shall be guided by ⁵ [that enactment of law].

1. These words and figures were substituted for the words and figures "the Bombay District Police Act, 1867" by Guj. 34 of 1961, s. 8 (a).

2. These words were substituted for the words "the Magistrate" by Bom. 23 of 1951, s. 2, Schedule Part III.

3. These words and figures were substituted for the words, figures and brackets "Act III of 1857 (an Act relating to trespasses by cattle)" by Guj. 34 of 1961, s. 8 (b).

4. See now the Cattle Trespass Act, 1871, s. 2 (Unrepeated Central Acts).

5. These words were substituted for the words "that enactment" by Guj. 34 of 1961, s. 8 (c).

20. Prosecution under other regulations, etc., for offence Punishable by Act :-

Nothing contained in this Act shall be construed to prevent the prosecution of any person under any other Regulation or Act for any offence made punishable by this Act, or from being liable under any other Regulation or Act to any other or higher penalty or punishment than is provided for such offence by this Act:

Provided that no person shall be punished twice for the same offence.

21. Provision in case of absence, sudden illness, etc, of Police-patel :-

In case of the Police-patel being unable to attend to his duty, owing to urgent absence from the village, sudden illness or other cause, he shall place a competent kinsman, or failing a competent kinsman some other competent person in charge of his office making an immediate report to ¹[the Executive Magistrate] to whom he is immediately subordinate and the person so placed in charge shall, until the receipt of instructions to the contrary, continue to act for the Police-patel in all his duties .²

1. The words "except those which involve the trial and punishment of offences" were deleted by Bom. 28 of 1949, s. 3.

2. Section 23 was inserted by Bom. 17 of 1945, s. 9, Sch. E. read with Bom. 52 of 1947, s. 2, proviso.

22. "District Police-Station" defined :-

The term "District Police-station" in this Act shall include the villages or places within the limits of the charge of a Police-officer in charge of a station.

23. [Application of Act to certain areas with modification.] :-

Deleted by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

24. Short title :-

This Act may be cited as the Bombay Village Police Act, 1867.

25. Repeal and saving :-

(1) On the Commencement of the Bombay Village Police (Gujarat Extension and Amendment) Act, 1961 (Guj. XXXIV of 1961) the Saurashtra Village Police Ordinance, 1949 (Sau. Ord. XXXII of 1949) and the Bombay Village Police Act, 1867 (Bom. VIII of 1867) as extended to the Kutch area of the State of Gujarat shall stand repealed.

(2) The Provision of the Bombay General Clauses Act, 1904 (Bom. I of 1904), shall apply to such repeal:

Provided that anything done or any action taken under the provisions of the laws hereby repealed shall be deemed to have been done or taken under the corresponding provisions of this Act and shall continue in force until superseded by anything done or any action taken under the provisions of this Act.]