
Bombay Police (Amendment) Act, 2008**2 of 2009****[06 January 2009]****CONTENTS**

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Bombay Police (Amendment) Act, 2008**2 of 2009****[06 January 2009]**

An Act further to amend the Bombay Police Act, 1951. WHEREAS both Houses of the State Legislature were not in session; AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Bombay Police Act, 1951 (Bom. XXII of 1951), for the purposes hereinafter appearing; and, therefore, promulgated the Bombay Police (Amendment) Ordinance, 2008 (Mah. Ord. IX of 2008) on the 23rd October 2008; AND WHEREAS, it is expedient to replace the said Ordinance by an Act of the State Legislature; it is hereby enacted in the Fifty-ninth Year of the Republic of India as follows:-

1. Short Title And Commencement :-

- (1) This Act may be called the Bombay Police (Amendment) Act, 2008.
- (2) It shall be deemed to have come into force on the 23rd October 2008.

2. Amendment Of Section 51 Of Bom. Xxii Of 1951 :-

In section 51 of the Bombay Police Act, 1951 (Bom. XXII of 1951) (hereinafter referred to as "the principal Act"),--

(a) for sub-section (2), the following sub-section shall be substituted, namely:--

"(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 District Magistrate may, by order, specify,--

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

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

(b) in sub-section (2), for the words "State Government" the words "District Magistrate" shall be substituted;

(c) in sub-section (3), for the words, brackets and figure "issue of a notification under sub-section (1), the Chief Presidency Magistrate in Greater Bombay, and the District Magistrate in district, with the previous sanction of the Revenue Commissioner," the words, brackets and figure "issue of an order under sub-section (1), the District Magistrate" shall be substituted;

(d) in sub-section (4),--

(i) for the words "Chief Presidency Magistrate or the District Magistrate, as the case may be," the words "District Magistrate" shall be substituted;

(ii) in clauses (a) and (b), for the words ", the Collector or any other authority," wherever they occur, the words "or any other authority authorised by the Collector" shall be substituted;

(iii) in clause (c), for the words "the Collector or any other authority" the words "any authority authorised by the Collector" shall be substituted;

(iv) for the words "or specially from any particular section or sections, or class or classes of such persons in the said area, and in such proportion as the Chief Presidency Magistrate or" the words, brackets and figure "or the members of the unlawful assembly as specified in sub-section (1), or specially from any particular section or sections, or class or classes of such persons and in such proportion as" shall be substituted.

(e) after sub-section (4), the following sub-section shall be inserted, namely:--

"(4A) If the District Magistrate observes that the amount of compensation as determined under sub-section (3), either in whole or in part is to be recovered from persons or section or sections or class or classes of such persons are inhabitants of the area, which is beyond the area of his jurisdiction, the District Magistrate, shall

send the information, along with his report, to the District Magistrate of the district in whose jurisdiction such persons or section or sections or class or classes of such persons are residing, to recover the amount from them. On receiving such information, the District Magistrate of such area shall recover the amount of compensation in the manner as provided under this section.";

(f) in sub-section (5),--

(i) in clause (i), for the words "Chief Presidency Magistrate or the District Magistrate, as the case may be," the words "District Magistrate" shall be substituted;

(ii) in clause (ii), for the words "Chief Presidency Magistrate, or the District Magistrate, as the case may be," the words "District Magistrate" shall be substituted;

(g) in sub-section (8), for the words "Chief Presidency Magistrate, or the District Magistrate, as the case may be," at both the places, where they occur, the words "District Magistrate" shall be substituted;

(h) in sub-section (9), for the words "Chief Presidency Magistrate or the District Magistrate, as the case may be" the words "District Magistrate" shall be substituted;

(i) in sub-section (10), for the words "Chief Presidency Magistrate or the District Magistrate, as the case may be" the words "District Magistrate" shall be substituted;

(j) after sub-section (10), the following sub-section shall be added, namely:--

"(11) The provisions of this section shall be in addition to, and not in derogation of, the provisions of any other law for the time being in force.".

3. Amendment Of Section 52 Of Bom. Xxii Of 1951 :-

In section 52 of the principal Act,--

(a) in sub-section (i), for the words "Chief Presidency Magistrate or the District Magistrate, as the case may be, with the previous sanction of the Revenue Commissioner" the words "District Magistrate" shall be substituted;

(b) in sub-section (2),--

(i) for the words "the notification issued by the State Government" the words "the order issued by the District Magistrate" shall be substituted;

(ii) for the words "Chief Presidency Magistrate or the District Magistrate, as the case may be," the words "the District Magistrate"

shall be substituted;

(c) in sub-section (4), for the words "Chief Presidency Magistrate or the District Magistrate, as the case may be," the words "District Magistrate" shall be substituted;

(d) in the marginal note, for the words "Chief Presidency Magistrate or District Magistrate" the words "District Magistrate" shall be substituted.

4. Amendment Of Section 53 Of Bom. Xxii Of 1951 :-

In section 53 of the principal Act,--

(i) for the words "Chief Presidency Magistrate or the District Magistrate, as the case may be," the words "District Magistrate" shall be substituted;

(ii) in the marginal note, for the words "Chief Presidency Magistrate or District Magistrate" the words "District Magistrate" shall be substituted.

5. Repeal Of Mah. Ord. IX Of 2008 And Saving :-

(1) The Bombay Police (Amendment) Ordinance, 2008 (Mah. Ord. IX of 2008) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken (including any order issued) under the principal Act, as amended by the said Ordinance, shall be deemed to have been done, taken or issued, as the case may be, under the corresponding provisions of the principal Act, as amended by this Act.