

## **BOMBAY STATE COMMISSIONERS OF POLICE ACT, 1959**

**56 of 1959**

**[14th October, 1959]**

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### **SCHEDULE 1 :- SCHEDULE**

## **BOMBAY STATE COMMISSIONERS OF POLICE ACT, 1959**

**56 of 1959**

**[14th October, 1959]**

An Act to make provision for matters consequent on appointment of a Commissioner of Police for any area in the State of Bombay outside Greater Bombay WHEREAS it is expedient to make provision for matters consequent on appointment of a Commissioner of Police for any area in the State of Bombay outside Greater Bombay ; It is hereby enacted in the Tenth Year of the Republic of India as follows

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

(1) This Act may be called the Bombay State Commissioners of Police Act, 1959.

(2) It extends to the whole of the [State of Maharashtra].

(3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

## **2. Definitions :-**

In this Act, unless the context otherwise requires , -

(a) "Commissioner of Police" means the Commissioner of Police appointed by the State Government for any area in the [State of Maharashtra] outside Greater Bombay under the Bombay Police Act, 1951 , and includes an Additional Commissioner of Police and a Deputy Commissioner of Police who under the orders of the Commissioner of Police exercises and performs any of his powers and duties ;

(b) "existing law" means any enactment of a Legislature or other competent authority in relation to matters specified in Lists II and III in the Seventh Schedule to the Constitution of India in force in any part of the State of Bombay immediately before the commencement of this Act [and in force in any part of the State of Maharashtra on the 1st day of May 1960] and includes any rule, bye-law, regulation, order, notification, scheme, form or . other instrument having the force of law made, prescribed or issued under any such enactment;

(c) "law for the time being in force" means any law relating to matters enumerated in Lists II and III in the Seventh Schedule to the Constitution of India and for the time being in force in any part of the [State of Maharashtra];

(d) "Schedule" means the Schedule appended to this Act.

## **3. Amendment of enactments; power of State Government to confer powers and impose duties on Commissioner of Police under any law :-**

(1) For the purpose of conferring powers and imposing duties on a Commissioner of Police and for certain other purposes, the enactments specified in column 1 of the Schedule shall be amended in the manner and to the extent specified in column 2 thereof.

(2) The Commissioner of Police appointed under the Bombay Police Act, 1951, (Bom. XXII of 1951) as amended by the Schedule shall exercise the powers and discharge the duties conferred and imposed on the Commissioner of Police for a presidency town or

Greater Bombay by any

(3) The State Government may by notification in the Official Gazette amend or delete any entry in the Schedule for the purpose of imposing any conditions or restrictions on the exercise of powers and discharge of duties conferred or imposed on the Commissioner of Police or withdraw them, as the case may be, and the Schedule shall be amended accordingly.

(4) The State Government may confer and impose on the Commissioner of Police powers and duties under any other enactment for the time being in force and for that purpose may, by a notification in the Official Gazette, add to or specify in the Schedule the necessary adaptations and modifications in that enactment by way of amendment, and thereupon -

(a) every such enactment shall accordingly be amended and have effect subject to the adaptations and modifications made, and

(b) the Schedule shall be deemed to be amended by the inclusion therein of the said provision for amending the enactment.

(5) The State Government may at any time in like manner cancel a notification under sub-section (4), and thereupon the relevant enactment shall stand unamended by the cancelled notification and the Schedule shall be altered accordingly.

**4. Existing appointments, notifications, etc., by [Superintendent of Police] and, where District Magistrates powers are conferred in substitution of Commissioner of Police, by District Magistrate, to be deemed to have been made by Commissioner of Police :-**

On the appointment of the Commissioner of Police for any area, any appointment, notification, order, rule, regulation, bye-law, form, licence, instrument or, document made, prescribed, issued or executed or deemed to have been made prescribed, issued or executed by the [Superintendent of Police] and, where any powers and duties of a District Magistrate are conferred in substitution on a Commissioner of Police by virtue of this Act or any enactment in the Schedule, by the District Magistrate, shall be deemed to have been made, prescribed, issued or executed by the Commissioner of Police and continue in operation unless and until it is superseded or modified by the Commissioner of Police.

**5. Construction of references to [Superintendent of Police]**

**in existing laws :-**

Subject to the provisions made in the Schedule, when a Commissioner of Police is appointed for any area, all existing laws shall, unless the context otherwise requires, for the purposes of that area be construed as if references therein to the [Superintendent of Police] were references to the Commissioner of Police.

**6. Construction of references to [Superintendent of Police] and District Magistrate in instruments or document :-**

All instruments or documents executed or made before the appointment of a Commissioner of Police for any area under or with reference to any existing law or any enactment specified in the Schedule shall, unless the context otherwise requires, be construed as if references therein to the [Superintendent of Police] or, where any powers and duties of a District Magistrate are conferred in substitution on a Commissioner of Police by virtue of this Act or any enactment in the Schedule to the District Magistrate, were references to the Commissioner of Police for that area.

**7. Pending proceedings before [Superintendent of Police] and District Magistrate :-**

All proceedings, including proceedings by way of appeals, revision or review, pending under any existing law before the [Superintendent of Police] or, where any powers and duties of a District Magistrate, are conferred in substitution on a Commissioner of Police by virtue of this Act or any enactment in the Schedule, before the District Magistrate, immediately before the date of appointment of the Commissioner of Police for any area, shall be transferred to the Commissioner of Police for that area for disposal according to law.

**8. Pending legal proceedings :-**

If on the date of appointment of a Commissioner of Police for any area, any legal proceedings are pending to which a [Superintendent of Police] is a party or, where any powers and duties of a District Magistrate are conferred in substitution on a Commissioner of Police by virtue of this Act or any enactment in the Schedule, a District Magistrate for that area is a party, the Commissioner of Police shall be substituted for the [Superintendent of Police] or, as the case may be, for the District Magistrate in the said proceedings.

**9. Power to remove difficulties :-**

If any difficulty arises in giving effect to the provisions of this Act,

the State Government may by order do anything not inconsistent with such provisions which appears to it to be necessary or expedient for the purpose of removing the difficulty.

#### SCHEDULE 1

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