THE MAHARASHTRA POLICE ACT

[*Text as on 22nd November 2024*]

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1. Amended by Bom. 21 of 1952
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7. Amended by Bom. 6 of 1955
8. Amended by Bom. 1 of 1956
9. Adapted and modified by the Bombay Adaptation of Laws (State and Concurrent Subjects) Order, 1956.
10. Amended by Bom. 8 of 1958
11. Amended by Bom. 34 of 1959
12. Amended by Bom. 37 of 1959
13. Amended by Bom. 56 of 1959
14. Amended by Bom. 10 of 1960
15. Amended by Bom. 25 of 1949 as amended by Bom. 22 of 1960.
16. Adapted and modified by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.
17. Amended by Mah. 2 of 1960
18. Amended by Mah. 38 of 1961
19. Amended by Mah. 30 of 1962
20. Amended by Mah. 46 of 1962
21. Amended by Mah. 24 of 1964[1]
22. Amended by Mah. 28 of 1964

[1] Section 7 of Mah. 24 of 1964 reads as under:—

"7. Retrospective effect to sections 2 to 6 and indemnity to Officers, *etc.*— (*1*) The amendments made to the principal Act by sections 2 to 6 (both inclusive) of this shall be deemed to have been made and come into force on the 20th day of November 1963.

(*2*) All acts done in good faith by any Police Officer or Additional Police Officer, Veterinary Officer or Magistrate in pursuance or intended pursuance of the powers conferred on him by sections 73 to 77 (both inclusive) of the principal Act as amended by this Act during the period from the 20th November 1963 the date of commencement of the Bombay Police (Amendment) Act, 1964 (Mah. XXIV of 1964) shall be deemed to be and always, be deemed to have validly done, and no such acts shall be deemed to be invalid or called in question on the ground only that the said powers in purported exercise of which the said acts were done were not at the time when the said acts were done lawfully vested in him; and all such Officers and Magistrates are hereby indemnified and discharged from civil and criminal liability in respect of such Acts."

23. Amended by Mah. 13 of 1965
24. Amended by Mah. 45 of 1967
25. Amended by Mah. 2 of 1969
26. Amended by Mah. 29 of 1970
27. Amended by Mah. 24 of 1971
28. Amended by Mah. 37 of 1973 (1- 4 -1974)
29. Amended by Mah. 1 of 1974 (1-11-1977)
30. Amended by Mah. 18 of 197

31. Amended by Mah. 61 of 1974 [1](4-11-1974)

32. Amended by Mah. 15 of 1976 [2](13-2-1976)

33. Amended by Mah. 7 of 1981 [3](27-8-1980)

34. Amended by Mah. 33 of 1981 (15-7-1981)

35. Amended by Mah. 32 of 1987 [4](7-8-1987)

36. Amended by Mah. 3 of 1995 [5](17- 4 -1995)

37. Amended by Mah. 40 of 2000 (9-10-2000)

38. Amended by Mah. 35 of 2005 (14-8-2005)

1 Maharashtra Ordinance No. XIX of 1974 was repealed by Mah. 61 of 1974, s. 3.

2 Maharashtra Ordinance No. III of 1976 was repealed by Mah. 15 of 1976, s. 5.

3 Maharashtra Ordinance No. XI of 1980 was repealed by Mah. 7 of 1981, s. 19.

4 Maharashtra Ordinance No. IV of 1987 was repealed by Mah. 32 of 1987, s. 6.

5 Sections 4 and 6 of Mah. 3 of 1995 reads as under :—

"4. Amendment of certain notifications and orders issued under section 55 of Bom. XXIII of 1951.— All notifications or orders issued under section 55 of the principal Act, relating to special empowerment by the State Government of the District Magistrate, Sub-Divisional Magistrate or Superintendent for the purposes of that section shall be deemed to have been duly and validly issued by the State Government under that section as amended by this Act, but subject to the modification that the word "specially" appearing therein shall be deleted and shall be deemed always to have been deleted.".

"6. Validation and saving.— (*1*) Notwithstanding anything contained in any judgement, decree or order of any court,—

(*a*) any notification or order empowering the District Magistrate or Sub-Divisional Magistrate or Superintendent issued under section 55 of the principal Act, before the commencement of this Act;

(*b*) any notification issued by any District Magistrate, Sub-Divisional Magistrate or Superintendent giving a direction under section 55 of the principal Act, before the commencement of this Act;

(*c*) any order passed by the State Government under section 60 of the principal Act, before the commencement of this Act, shall be and shall be deemed to be valid and effective as if such notification or order had been duly issued or passed under the principal Act, as amended by this Act, in accordance with law; and no suit, appeal, application or other proceeding, shall lie or be maintained or continued in any court or before any officer or other authority for declaring such notification or order as invalid or for claiming any damages whatsoever, on the ground that any such notification or order was without the authority of law.

(*2*) For the removal of doubts, it is hereby declared that nothing in sub-section (*1*) shall be construed as preventing a person from questioning in accordance with the provisions of the principal Act, as amended by this Act, any order passed by the District Magistrate, Sub-Divisional Magistrate, Superintendent or the State Government."

Note.- The date mentioned in the bracket indicates the date of commencement of the Act.

39. Amended by Mah. 2 of 2009 [1](23-10-2008)

40. Amended by Mah. 24 of 2012 (22-8-2012)

41. Amended by Mah. 15 of 2014

42. Amended by Mah. 24 of 2014[2, 3] (1-2-2014)

43. Amended by Mah. 11 of 2015[4] (16-2-2015)

44. Amended by Mah. 12 of 2016 (18-04-2016)

45. Amended by Mah. 11 of 2023

46. Amended by Mah. 27 of 2023[5]

47. Amended by Mah. 21 of 2024

1 Maharashtra Ordinance No. IX of 2008 was repealed by Mah. 2 of 2009, s. 5.

2 Maharashtra Ordinance no. VIII of 2014 was repealed by Mah. 24 of 2014, s. 5.

3 Section 6 of Mah. 24 of 2014 reads as under:—

"6. Power to remove difficulty.— (*1*) If any difficulty arises in giving effect to the provisions of the principal Act, as amended by this Act, the State Government may, by order published in the *Official Gazette*, give such directions, not inconsistent with the provisions of this Act, as may appear to it to be necessary expedient for the purpose of removing the difficulty:

Provided that, no such order shall be made after the expiry of the period of two years from the date of commencement of this Act.

(*2*) Every order made under sub-section (*1*) shall be laid, as soon as may be, after it is made, before each House of the State Legislature."

4 Maharashtra Ordinance No. II of 2015 was repealed by Mah. 11 of 2015, s. 8(*1*).

5 Section 6 of Mah. 27 of 2023 reads as under:—

"6. Saving.— Anything done or any action taken by the Special Commissioner of Police in exercise of the powers conferred on him under any orders issued by the State Government for the discharge of duties under the principal Act, shall be deemed to have been done or taken, as the case may be, in accordance with the provisions of the principal Act as amended by the Maharashtra Police (Amendment) Act, 2023 (Mah. XXVII of 2023)."

Note.- The date mentioned in the bracket indicates the date of commencement of the Act.

ACT NO. XXII OF 1951[1]

[THEMAHARASHTRAPOLICEACT.][2]

[This Act received the assent of the President on the 1st June 1951; assent was first published

An Act to Consolidate and Amend the law for the regulation of the Police Force in the State of Bombay.

WHEREAS, it is expedient to amalgamate the District and [3][Brihan Mumbai] Police Forces [4][and the Police Forces of the Saurashtra, Kutch and Hyderabad areas, and of the Vidarbha Region of the State of Bombay] into one common Police Force and to introduce uniform methods regarding the working control of the said Force throughout the State; And whereas it is necessary to consolidate and amend the law relating to the regulation of the said Force and the exercise of powers and performance of functions by the State Government and by the members of the said Force for the maintenance of public order ; And whereas, it is necessary to provide for certain other purposes hereinafter appearing ; It is hereby enacted as follows:—

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement.— (*1*) This Act may be called [5][the Maharashtra Police Act].

[6][(*2*) It extends to the whole of the State of [7][Maharashtra].

[8](*3*) It shall come into force [9][in the pre-Reorganisation State of Bombay] on such date as the State Government may, by notification in the *Official Gazette*[10][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. XXXVI of 1959), it shall come into force on such other date as the Government may by like notification specify].

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;

[11][(*1A*) "Competent Authority" means the competent Authority mentioned in section 22N;]

(*2*) "Corporation" means a Corporation constituted under the Bombay Municipal Corporation Act (Bom. III of 1888) or the Bombay Provincial Municipal Corporations Act, 1949 (Bom. LIX of 1949) [12][and the City of Nagpur Corporation Act, 1948 (C. P. and Berar II of 1950)];

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

Committee, *seeibid*, 1951, Part V, pages 34-88.

2 This Act was extended to that part of the State of Bombay to which immediately before the commencement of Bom. 34 of 1959, it did not extend (*vide* Bom. 34 of 1959, s. 2).

3 These words were substituted for the words "Greater Bombay" by Mah. 27 of 2023, s. 5.

4 These words were substituted for the words "in the State of Bombay" by Bom. 34 of 1959, s. 3.

5 The short title of the Act was substituted for "the Bombay Police Act, 1951" by Mah. 24 of 2012, s. 2 Schedule, entry 45, w.e.f. 1-5-1960.

6 This sub-section was substituted for the original by Bom. 34 of 1959, s. 4 (*1*).

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

8 Sub-section (*3*) shall stand unmodified *vide* the Maharashtra Adaptation of Laws (State and Concurrent Subject) Order, 1960.

9 The words were inserted by Bom. 34 of 1959, s. 4 (*2*).

10 These words were substituted for the words "specify in this behalf" by Bom. 34 of 1959, s. 4 (*2*).

11 This clause was inserted by Mah. 24 of 2014, s. 2 (*a*).

12 This was added by Bom. 34 of 1959, s. 5 (*1*).

(*a*) in relation to 1[Brihan Mumbai] and other areas 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 2[Superintendent] or the Additional Superintendent when specially empowered in that behalf by the State Government ;

3[(*c*) in relation to a revenue division the Revenue Commissioner;]

4[(*4A-1*) "Constabulary" means Police Constable, Police Naik, Police Head Constable and Assistant Sub-Inspector;]

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

5[(*4A*) "dancing school" means any place (by whatever name called) where dancing of any kind is taught to, or practised by, persons on admission thereto either on payment of fees or with or without any other consideration; but does not include any institution where dancing is taught or practised as one of the subjects of its curriculum and the institution is for the purposes of this Act duly recognised by the Government or any officer duly authorised by Government in that behalf;]

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

8[(*5A*) "eating house" means any place to which the public are admitted, and where any kind of food or drink is supplied for consumption in the premises by any person owing or having an interest in or managing such place, and include a refreshment room, boarding-house, coffee-house or a shop where any kind of food or drink is supplied to the public for consumption in or near such shop; but does not include "place of public entertainment";]

9[(*6*) "Director General and Inspector General", "Additional Director General and Inspector General", "Special Inspector General", "Commissioner" 10["Special Commissioner"], "Joint Commissioner", "Additional Commissioner", "Deputy Inspector General", "Deputy Commissioner", "Assistant Commissioner", "Superintendent", "Additional Superintendent", "Assistant Superintendent" and "Deputy Superintendent" means, respectively, the Director General and Inspector General of Police, Additional Director General and Inspector General of Police, Special Inspector General of Police, Commissioner of Police, 11[Special Commissioner of Police] Joint Commissioner of Police, Additional Commissioner of Police, Deputy Inspector General of Police (including the Director of Police Wireless and Deputy Inspector General of Police, Police Motor Transport appointed under section 8A), Deputy Commissioner of Police, Assistant Commissioner of Police, Superintendent of Police (including a Superintendent appointed under section 8A or 22A), Additional Superintendent of Police, Assistant Superintendent of Police and Deputy Superintendent of Police, appointed or deemed to be appointed under this Act;]

12[(*6A*) "General Transfer" means posting of a Police Personnel in the Police Force from one post, office or Department to another post, office or Department in the month of April and May of every year, 13[after completion of normal tenure as mentioned in sub-section (*1*) of section 22 N];

1 These words were substituted for the words "Greater Bombay" by Mah. 27 of 2023, s. 5.

2 This word was substituted for the words "District Superintendent" by Mah. 46 of 1962, s. 3, Sch.

3 Sub-clause (*c*) was inserted by Mah. 2 of 19

4 This Clause was inserted by Mah. 11 of 2015, s. 2 (*a*).
5 Clause (*4A*) was inserted by Mah. 1 of 1974, s. 2.
6 *See* now the Code of Criminal Procedure, 1973 (2 of 1974).
7 This portion was substituted for the words "Greater Bombay" by Bom. 56 of 1959, s. 3, Sch.
8 Clause (*5A*) was inserted by Mah. 2 of 1969, s. 2 (*a*).
9 Clause (*6*) was substituted by Mah. 40 of 2000, s. 2.
10 The signs and words were inserted and shall be deemed to have been inserted with effect from the 4th January 2023 by Mah. 27 of 2023, s. 2 (*a*).
11 There words were inserted and shall be deemed to have been inserted with effect from the 4th January 2023 by Mah. 27 of 2023, s. 2 (*b*).
12 These clauses were inserted by Mah. 24 of 2014, s. 2 (*b*).
13 These words were substituted for the words "after completion of normal tenure of two years" by Mah. 11 of 2015, s. 2 (*b*).

(*6B*) "Mid-term Transfer" means transfer of a Police Personnel in the Police Force other than the General Transfer;]

1[(*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;]

2[(*7A*) "Municipal Commissioner", in relation to the Municipal Corporation of the City of Nagpur, means the Chief Executive Officer by whatever name called ;]

(*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 and includes a race course, circus, theatre, music hall, billiard room, bagatelle room, gymnasium, fencing school, swimming pool or dancing hall;

3[(*10*) "Place of public entertainment" means a lodging-house, boarding and lodging-house or residential hotel, and includes any eating house in which any kind of liquor or intoxicating drug is supplied (such as a tavern, a wine shop, a beer shop or a spirit, arrack, *toddy, ganja, bhang or* opium shop) to the public for consumption in or near such place ;]

4[(*10A*) "Police Establishment Board No.1", "Police Establishment Board No.2", "Police Establishment Board at Range Level" 5[, "Police Establishment Board at Commissionrate Level" "Police Establishment Board at District Level" and Police Establishment Board at the Levels of Specialized Agencies"] means the Boards constituted under sections 22C, 22E, 22G 6[, 22I, 22J-1 and 22J-3], respectively;]

(*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;

7[(*11A*) "Police Personnel" means any member of the Police Force appointed or deemed to be appointed under this Act;

(*11B*) "post" means any post created on the establishment of Director General and Inspector General of Police and includes the posts assigned for Police Personnel on State or Central deputation;]

(*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 for drawing water, washing or bathing or for the purpose of recreation;

8[(*13A*) "Revenue Commissioner" means the Commissioner of a Division appointed under section 6A of the 9Bombay Land Revenue Code, 1879 (Bom. V of 1879);]

(*14*) "rules" means rules mad

[10][(*14A*) "section" means section of this Act;

1 This clause was substituted for the original by Bom. 34 of 1959, s. 5 (*4*).

2 This clause was inserted by Bom. 34 of 1959, s. 5 (*5*).

3 Clause (*10*) was substituted by Mah. 2 of 1969, s. 2 (*b*).

4 This clause was inserted by Mah. 24 of 2014, s. 2 (*c*).

5 These words were substituted for the words "and Police Establishment Board at Commissionerate Level" by Mah. 11 of 2015, s. 2 (*c*) (*i*).

6 These figures, letters and word shall be substituted for the word, figures and letter "and 22I" by Mah. 11 of 2015, s. 2 (*c*) (*ii*).

7 These clauses were inserted by Mah. 24 of 2014, s. 2 (*d*).

8 This clause was inserted by Bom. 8 of 1958, s. 3 Schedule.

9 *See* now Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966).

10 These clauses were inserted by Mah. 24 of 2014, s. 2 (*e*).

[1][(*14A-1*) "Specialized Agencies" means Crime Investigation Department, State Intelligence Department, Protection of Civil Rights, Anti-Corruption Bureau, State Reserve Police Force, Anti-Terrorist Squad, Highway Traffic [2][Department, Police Communication, Information Technology and Motor Transport Department] and Training Directorate;]

(*14B*) "State Government" means the Government of Maharashtra;

(*14C*) "State Police Complaints Authority" and "Division Level Police Complaints Authority" means the Authorities constituted under sections 22P and 22S, respectively;

(*14D*) "State Security Commission" means the State Security Commission constituted under section 22B;]

(*15*) "street" includes any highway, bridge, way over a causeway, *via-duct*, arch, quay, or wharf of 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 carrying, 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.

CHAPTER II

SUPERINTENDENCE, CONTROL AND ORGANISATION OF THE POLICE FORCE

3. One Police Force for the [3][whole of the [4][State of Maharashtra]].— There shall be one Police Force for the [5][whole of the [6][State of Maharashtra]] [7][and such Police Force shall include every Police Officer referred to in clause (*6*) of section 2] :

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 [8][in the relevant part of the State] shall be deemed to be the members of the said Police Force.

4. Superintendence of Police Force to vest in the State Government.— The Superintendence of the Police Force throughout [9][the [10][State of Maharashtra]] vests in and exercisable by the State Government and [11][subject to such Superintendence, the Secretary to the State Government in the Home Department, whether designated as Secretary, Home Secretary, Special Secretary, Additional Chief Secretary or otherwise, in charge of the Law and Order Division of the Home Department shall exercise control, direction and supervision over the Police Force].

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 ;

1 This clause was inserted by Mah. 11 of 2015, s. 2 (*d*).

2 These words were inserted by Mah. 21 of 2024, s. 2.

3 These words were substituted for the words "whole State" by Bom. 34 of 1959, s. 6.

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

5 These words were substituted for the words "whole of the State" by Bom. 34 of 1959, s. 6.

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

7 These words, brackets and figures shall be deemed always to have been inserted by Mah. 32 of 1987, s. 3.

8 These words were inserted by Bom. 34 of 1959, s. 6.

9 These words were substituted for the words "the State" by Bom. 34 of 1959, s. 7.

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

11 This portion shall be deemed always to have been substituted for the portion beginning with the words "any control" and ending with the words "such superintendence" by Mah. 32 of 1987, s. 4.

(*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,—

[1][(*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 subject to the proviso to sub-section (*7*) of section 115 of the State Re-organisation Act, 1956 (XXXVII 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.

6. [2][Director-General and Inspector-General], Additional and Deputy Inspector General.—(*1*) [3][Subject to the provisions of section 4, for the direction and supervision] of the Police Force, the State Government shall appoint an [4][Director-General and Inspector-General of Police] who shall exercise such powers and perform such functions and duties and have such responsibilities and such authority as may be provided by or under this Act, or orders made by the State Government.

[5][(*a*) The State Government may appoint one or more Additional Director General and Inspector General, one or more Special Inspector General and one or more Deputy Inspector General.

(*b*) The State Government may direct that any of the powers, functions, duties and responsibilities and the authority of the Director General and Inspector General may be exercised,

performed or discharged, as the case may be, by an Additional Director General and Inspector General or a Special Inspector General or a Deputy Inspector General.

(*c*) The State Government may also by a general or special order direct that an Additional Director General and Inspector General or a Special Inspector General or a Deputy Inspector General shall assist and aid the Director General and 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.]

6[(*1A*) The Director General and Inspector General of Police shall be selected by the State Government from amongst the four senior most Police Officers from the Cadre, on the basis of their length of service, very good record, range of experience, integrity and professional ability for heading the Police Force.

(*1B*) Once appointed, the Director General and Inspector General of Police shall have a minimum tenure of at least two years, subject to his age of superannuation. The Director General and Inspector General of Police may, however, be relieved of his responsibility by the State Government consequent upon any action taken against him under the All India Services (Discipline and Appeal) Rules, 1969 or following his conviction in a court of law or in a case of corruption, or guilty of gross dereliction of his duty or if he is otherwise incapacitated from discharging his duty.]

7. Commissioners.— (*a*) The State Government may appoint a Police Officer to be the Commissioner of Police for 7[Brihan Mumbai] or any other area specified in a notification issued by the State Government in this behalf and published in the *Official Gazette*.

1 This sub-clause was substituted for the original by Bom. 34 of 1959, s. 8.

2 These words shall be deemed to have been substituted with effect from the 13th day of December 1982 for the words "Inspector-General" or "Inspector-General of Police" respectively, by Mah. 32 of 1987, s. 2.

3 These words and figure shall be deemed always to have been substituted by Mah. 32 of 1987, s. 5.

4 These words shall be deemed to have been substituted with effect from the 13th day of December 1982 for the words "Inspector-General" or "Inspector-General of Police" respectively, by Mah. 32 of 1987, s. 2.

5 These clauses were substituted by Mah. 40 of 2000, s. 3.

6 These sub-sections were inserted by Mah. 24 of 2014, s. 3.

7 These words were substituted for the words "Grater Bombay" by Mah. 27 of 2023, s. 5.

1[(*a-1*) The State Government may also appoint the Special Commissioner of Police for Brihan Mumbai.]

(*b*) The State Government 2[may also appoint one or more Additional Commissioners of Police 3[one or more Joint Commissioner] for any of 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 by or under this Act or as may otherwise be directed by the State Government by a general or special order:

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 be exercised, performed or discharged subject to the control of the 4[Director-General and 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 5[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 6[Superintendent] may have been appointed.

8. Appointment of 7[Superintendent and], 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 8[a Superintendent of Police] 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 [9][Superintendent] under this Act or under any law for the time being in force.

(*3*) The [10][Superintendent] may, with the previous permission of the State Government delegate any of the powers and functions conferred on him by or under this Act to an Assistant or Deputy Superintendent:

[11][Provided that, the powers to be exercised by the Superintendent of making, altering or rescinding any rules under section 33 shall not be delegated on an Assistant or Deputy Superintendent].

[12]**[8A. [13][Appointment of Director of Police Wireless and of Superintendent], Assistant and Deputy Superintendents for Wireless System, Motor Transport System or any specific duty.—** (*1*) The State Government may appoint for the whole of the State or for any part thereof—

[14][(*i*) one or more Directors of Police Wireless and [15][a Special Inspector General] of Police for the Police Wireless System (hereinafter referred to as "the Director of Police Wireless") as it thinks fit, and

(*ii*) one or more Superintendents of Police, and Assistant and Deputy Superintendents of Police as it thinks fit—],

1 This clause was inserted and shall be deemed to have been inserted with effect from the 4th January 2023 by Mah. 27 of 2023, s. 3.
2 These words were substituted for the words "may also appoint an Additional Commissioner of Police for the areas" by Mah. 61 of 1974, s. 2.
3 These words were inserted by Mah. 40 of 2000, s. 4.
4 These words shall be deemed to have been substituted with effect from the 13th day of December 1982 for the words "Inspector-General" or "Inspector-General of Police" respectively by Mah. 32 of 1987, of s. 2.
5 This word was substituted for the words "District Superintendent" by Mah. 46 of 1962, s. 3, Sch.
6 This word was substituted for the words "District Superintendent" by Mah. 46 of 1962, s. 3, Sch.
7 These words were substituted for the word "District" by Mah. 46 of 1962, s. 3, Sch.
8 These words were substituted for the words "a Superintendent" by Mah. 46 of 1962, s. 3, Sch.
9 This word was substituted for the words "District Superintendent" by Mah. 46 of 1962, s. 3, Sch.
10 This word was substituted for the words "District Superintendent" by Mah. 46 of 1962, s. 3, Sch.
11 This proviso was added by Mah. 13 of 1965, s. 2.
12 Section 8A was substituted by Mah. 28 of 1964, s. 2.
13 This portion was substituted for the words "Appointment of Superintendent" by Mah. 24 of 1971, s. 4 (*e*).
14 This portion was substituted by Mah. 24 of 1971, s. 4 (*a*).
15 These words were substituted for the words "Deputy Inspector General" by Mah. 40 of 2000, s. 5.

(*a*) for the Police Wireless System ;

(*b*) for the Police Motor Transport System ; or

(*c*) for the performance of such specific duties as the State Government may from time to time determine in this behalf.

(*2*) [1][Any Director of Police Wireless and Superintendent] so appointed shall exercise such powers and perform such functions as the State Government may from time to time [2][assign to each of them.] [3][The Director may, with the previous permission of the State Government, delegate any of the powers and functions conferred on him by or under this Act to a Superintendent, or to an Assistant or Deputy Superintendent, and the Superintendent may, subject to the like previous permission, delegate such powers and functions to an Assistant or Deputy Superintendent] :

Provided that, the powers and functions aforesaid shall be exercised or performed by [4][the Director, Superintendent] or Assistant or Deputy Superintendent, subject to the control of the [5][Director-General and Inspector-General].

[6]**[9. Appointment of Principals of Police Training Institutions.—** (*1*) The State Government may appoint any Police Officer not below the rank of Superintendent to be the Principal of the Police Training

College, Nashik, or any other Police Training College established by it. The State Government may assign to each of the Principals aforesaid such powers, functions and duties as it may think fit.

(*2*) The State Government may appoint any Police Officer not below the rank of an Assistant or Deputy Superintendent to be the Principal of any Police Training School established by it. An officer (not below the rank of a Deputy Inspector-General) authorised by the State Government in that behalf may, subject to the control of the State Government, assign to each Principal so appointed such power, functions and duties as he may think fit.]

10. Deputies [7][* *] to Commissioner.— (*1*) The State Government may appoint one or more Deputy Commissioners [8][* * * *] of Police in [9][Brihan Mumbai] or in any area in which a Commissioner has been appointed under clause (*a*) of section 7.

(*2*) Every such Deputy [10][* *] 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 Commissioner [11][of making, altering or rescinding rules under section 33] shall not be exercisable by a Deputy [12][* * *] Commissioner.

11. [13][14][Assistant Commissioners] within jurisdiction of Commissioners].— (*1*) The State Government may appoint [15][for any area for which a Commissioner of Police has been appointed under section 7] such number of [16][Assistant Commissioners of Police] as it may think expedient.

1 These words were substituted for the words "Any Superintendent" by Mah. 24 of 1971, s. 4 (*b*) (*i*).
2 These words were substituted for the words "assign to him" by Mah. 24 of 1971, s. 4 (*b*) (*ii*).
3 This portion was substituted by Mah. 24 of 1971, s. 4 (*c*).
4 These words were substituted for the words "The Superintendent" by Mah.24 of 1971, s. 4 (*b*) (*ii*).
5 These words shall be deemed to have been substituted with effect from the 13th day of December 1982 for the words "Inspector-General" by Mah. 32 of 1987, s. 2.
6 Section 9 was substituted by Mah. 28 of 1964, s. 3.
7 The words "and Assistants" were deleted by Mah. 46 of 1962, s. 3, *Sch*.
8 The words "and one or more Assistant Commissioners" were deleted by Mah. 46 of 1962, s. 3, *Sch*.
9 These words were substituted for the words "Grater Bombay" by Mah. 27 of 2023, s. 5.
10 The words "or Assistant" were deleted by Mah. 46 of 1962, s. 3, *Sch*.
11 These words and figures were substituted for the words and figures "under section 13 or 33" by Bom. 57 of 1954, s. 3. 12 The words "or Assistant" were deleted by Mah. 46 of 1962, s. 3, *Sch.*
13 This marginal note was substituted for the original by Bom. 56 of 1959, s. 3, *Sch*.
14 These words were substituted for the word "Superintendents" by Mah. 46 of 1962, s. 3, *Sch*.
15 This portion was substituted for the words "or Greater Bombay" by Bom. 56 of 1959, s. 3, *Sch*.
16 These words were substituted for the words "Superintendent of Police" by Mah. 46 of 1962, s. 3, *Sch*.

(*2*) [1][An Assistant Commissioner] 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 [2][of making, altering or rescinding rules under section 33] shall not be exercisable by [3][the Assistant Commissioner].

12. Constitution of Divisions and sections.— (*1*) Subject to the control of the State Government the Commissioner [4][for any area] shall, if he thinks fit—

(*a*) constitute [5][within the area under his charge], Police division,

(*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 [6][an Assistant Commissioner] and each section shall be in charge of an Inspector of Police.

[7][12A. Officers in charge of Divi s.— Subject to the general or special

orders of the State Government the Commissioner for the area for which he is appointed and the [8][Director-General and Inspector-General] for other areas shall appoint Inspectors.]

13. [*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 [9]* [10][of the grade of Inspector or 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.

15. Effect of suspension of Police officer.— The powers, functions and privileges vested in a Police Officer 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 [11][Superintendent].— The Commissioner, subject to the orders of the [12][Director-General and Inspector-General], and the [13][Superintendent], subject to the orders of the [14][Director-General and Inspector-General] and the District Magistrate, shall, within their

1 These words were substituted for the words "A Superintendent" by Mah. 46 of 1962, s. 3, *Sch*.
2 These words and figures were substituted for the words and figures "Under section 13 or 33" by Bom. 1 of 1956, s. 2.
3 These words were substituted for the words "the Superintendent" by Mah. 46 of 1962, s. 3, *Sch*.
4 These words were substituted for the words "for Gerater Bombay" by Bom. 56 of 1959, s. 3, *Sch*.
5 These words were substituted for the words "within the Gerater Bombay" by Bom. 56 of 1959, s. 3, *Sch*.
6 These words were substituted for the words "a Superintendent of Police" by Mah. 46 of 1962, s. 3, *Sch.*
7 Section 12A was inserted by Bom. 28 of 1954, s. 2.
8 These words shall be deemed to have been substituted with effect from the 13th day of December 1982, for the words "Inspector-General" by Mah. 32 of 1987, s. 2.
9 The words "of and" were deleted by Bom. 20 of 1953, s. 3.
10 These words were substituted for the words "below the grade of Inspector" by Bom. 28 of 1954, s. 3.
11 This word was substituted for the word "District Superintendent" by Mah. 46 of 1962, s. 3, Sch.
12 These words shall be deemed to have been substituted with effect from the 13th day of December 1982 for the words "Inspector-General" by Mah. 32 of 1987, s. 2.
13 This word was substituted for the words "District Superintendent" by Mah. 46 of 1952, s. 3, *Sch*.
14 These words shall be deemed to have been substituted with effect from the 13th day of December 1982 for the words "Inspector-General" by Mah. 32 of 1987, s. 2.

respective spheres of authority direct and regulate all matter of arms, drill, exercise, observation of person 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 [1][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 [2][and shall be subject to the lawful orders of the Revenue Commissioner].

18. Power of District Magistrate to require reports from [3][Superintendent].— The District Magistrate may require from the [4][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 [5][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 Magistrates.— 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 [6][Superintendent] he may require the [7][Superintendent] to substitute another officer for any officer whom he has power to transfer and the [8][Superintendent] shall be bound to comply with the requisition :

Provided that, if the Police officer concerned is an officer [9][of a grade higher than that of an Inspector] the District Magistrate may report his conduct to the [10][Director-General and Inspector-General]. The [11][Director-General and 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.

20. Power of [12][Director-General and Inspector-General] and Commissioner to investigate and regulate matters of Police accounts.— The [13][Director-General and Inspector-General] throughout the [14][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 [15][State] 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.

1 This word was substituted for the word "District Superintendent" by Mah. 46 of 1962, s. 3, *Sch*.

2 These words were added by Bom. 8 of 1958, s. 3, Schedule.

3 This word was substituted for the word "District Superintendent" by Mah. 46 of 1962, s. 3, *Sch*.

4 This word was substituted for the word "District Superintendent" by Mah. 46 of 1962, s. 3, *Sch*.

5 This word was substituted for the word "District Superintendent" by Mah. 46 of 1962, s. 3, *Sch*.

6 This word was substituted for the word "District Superintendent" by Mah. 46 of 1962, s. 3, *Sch*.

7 This word was substituted for the word "District Superintendent" by Mah. 46 of 1962, s. 3, *Sch*.

8 This word was substituted for the word "District Superintendent" by Mah. 46 of 1962, s. 3, *Sch*.

9 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. 10 These words shall be deemed to have been substituted with effect from the 13th day of December 1982 for the words "Inspector-General" by Mah. 32 of 1987, s. 2.

11 These words shall be deemed to have been substituted with effect from the 13th day of December 1982 for the words "Inspector-General" by Mah. 32 of 1987, s. 2.

12 These words shall be deemed to have been substituted with effect from the 13th day of December 1982 for the words "Inspector-General" by Mah. 32 of 1987, s. 2.

13 These words shall be deemed to have been substituted with effect from the 13th day of December 1982 for the words "Inspector-General" by Mah. 32 of 1987, s. 2.

14 This word was substituted for the words "pre-Reorganisation State of Bombay, excluding the transferred territories" by Bom. 34 of 1959, s. 11.

15 This word was substituted for the words "pre-Reorganisation State of Bombay, excluding the transferred territories" by Bom. 34 of 1959, s. 11.

21. Special Police officers.— (*1*) The Commissioner, the [1][Superintendent], or any Magistrate, [2]* * * * * * 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.

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 ment—

(*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 [3][Superintendent], as the case may be.

(*3*) 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 or under this Act or under any other law for the time being in force.

[4]**[22A. Appointment of Railway Police.—** (*1*) The State Government may by notification in the *Official Gazette*, create one or more special police districts embracing such railway areas in the State as it may specify, and appoint a Superintendent of Police [5][one or more Assistant and Deputy Superintendents] and such other Police Officers for each such special districts as it may think fit.

(*2*) Subject to the control of the [6][Director-General and Inspector-General], such Police Officers shall discharge police functions connected with the administration of railways situated within their respective charge, 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 generally 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.

1 This word was substituted for the words "District Superintendent" by Mah. 46 of 1962, s. 3, *Sch*.

2 The words "not lower in rank than that of second class" were deleted by Bom. 21 of 1954, s. 3, Second Schedule. 3 This word was substituted for the words "District Superintendent" by Mah. 46 of 1962, s. 3, Sch.

4 This section was inserted by Bom. 34 of 1959, s. 12.

5 These words were inserted by Mah. 28 of 1964, s. 4 (*a*).

6 These words shall be deemed to have been substituted with effect from the 13th day of December 1982 for the words "Inspector-General" by Mah. 32 of 1987, s. 2.

[1][(*5*) The Superintendent of Police may, with the previous permission of the State Government, delegate any of the powers and functions conferred on him by or under this Act to an Assistant or Deputy Superintendent.]]

[2][CHAPTER II-A

STATE SECURITY COMMISSION,POLICE ESTABLISHMENT BOARDS AND POLICE COMPLAINTS AUTHORITIES

22B.State Security Commission.— (*1*) The State Government shall, by notification in the performing such function as may be assigned to the Commission under this Act.

(*2*) The State Security Commission shall consist of the following members, namely:—

(*a*) Minster in-charge of Home Department Chairperson; … *Ex-Officio*

(*b*) Leader of Opposition of State Legislative Assembly … Member;

(*c*) Chief Secretary … Member;

(*d*) Additional Chief Secretary (Home) … Member;

(*e*) Five non-official Members (to be nominated by the State Government) … Member;

(*f*) Director General and Inspector General of Police … Member-Secretary.

(*3*) On the constitution of the State Security Commission under sub-section (*1*), the erstwhile State Security Commission constituted by the Home Department under the Government Resolution, dated the 10th July 2013 shall cease to exist:

Provided that, the recommendations and reports made by the erstwhile State Security Commission shall continue to operate as if the same are made by the State Security Commission constituted under this Act.

(*4*) No person shall be nominated as a non-official member of the State Security Commission if he,—

(*a*) is not a Citizen of India; or

(*b*) has been convicted by a court of law or against whom criminal charges have been framed by a court of law; or

(*c*) has been dismissed or removed from the Government service, Semi-Government or private service or compulsorily retired on the grounds of corruption or inefficiency or moral turpitude or any kind of misconduct; or

(*d*) has been debarred from holding any public office or from contesting any election; or

(*e*) holds or has held any political office, including that of member of Parliament or State Legislature or a local body, or is or was an office-bearer of any political party or any organization connected with a political party; or

(*f*) is of unsound mind.

(*5*) While nominating non-official members under clause (*e*) of sub-section (*2*), care must be taken to ensure that the representation be given to all sections of the society. Out of the members so nominated,

1 Sub-section (*5*) was added by Mah. 28 of 1964, s. 4 (*b*).

2 This Chapter was inserted by Mah. 24 of 2014, s. 4.

 at least one shall be a woman and one shall be from the persons belonging to the Backward Class. The non-official members may be broadly from the following disciplines:—

(*a*) academician, liberal arts, communication or media;

(*b*) science and technology especially in the field of Information Technology, surveillance or security related technology;

(*c*) eminence in the legal field;

(*d*) corporate governance;

(*e*) non-Government organizations working in the field of women and child development, social justice, tribal development, rural development or urban development.

Explanation.— For the purpose of this sub-section, the expression "Backward Class" means the Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Special Backward Category and Other Backward Classes.

(*6*) The non-official members nominated under clause (*e*) of sub-section (*2*) may be removed by the Chairperson of the State Security Commission on any of the following grounds, namely:—

(*a*) proven incompetence;

(*b*) proven misbehaviour or misuse or abuse of powers;

(*c*) failure to attend three consecutive meeting of the State Security Commission without sufficient cause:

Provided that, no member shall be removed under the provision of this clause except after giving him a reasonable opportunity of being heard;

(*d*) incapacitation by reason of mental infirmity;

(*e*) otherwise becoming unable to discharge his functions as a member; or

(*f*) conviction by a court of law or where charges have been framed against him by a court of law.

(*7*) The term of office of the non-official members of the State Security Commission shall be of of two years. The other terms and conditions of such office shall be such as may be prescribed by the State Government.

(*8*) The State Security Commission shall exercise the powers and perform the functions as follows:—

(*a*) lay down the broad policy guidelines for the functioning of the Police Force in the State including for ensuring that the Police Force always act according to the laws of the land and the Constitution of India;

(*b*) formulating broad principles for the performance of the preventive tasks and service oriented functions of the Police Force; and

(*c*) evaluation of the performance of the Police Force.

(*9*) The State Security Commission shall meet at least once in every quarter at such time and place and observe such procedure in regard to transact its business as the Chairperson thinks fit.

(*10*) The recommendations of the State Security Commission shall be advisory in nature.

22C. Police Establishment Board No. 1.— (*1*) The State Government shall, by notification in the *Official Gazette*, constitute for the purposes of this Act, a Board to be called the Police Establishment Board No. 1.

(*2*) The Police Establishment Board No.1 shall consist of the following members, namely:—

(*a*) Additional Chief Secretary (Home) .. Chairperson;

(*b*) Director General and Inspector General of Police .. Vice-Chairperson;

(*c*) Director General, Anti-Corruption Bureau .. Member;

(*d*) Commissioner of Police, Mumbai .. Member;

(*e*) Additional Director General and Inspector General of Police (Establishment) .. Member-Secretary:

Provided that, if none of the aforesaid members is from the Backward Class, then the State Government shall appoint an additional member of the rank of the Additional Director General and Inspector General of Police belonging to such Class.

Explanation.— For the purposes of this sub-section, the expression "Backward Class" means the Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Special Backward Category and Other Backward Classes.

22D. Functions of Police Establishment Board No. 1.— The Police Establishment Board No. 1 shall perform the following functions, namely:—

(*1*) Subject to the provisions of this Act, the Board constituted under sub-section (*1*) of section 22C may, make appropriate recommendations to the State Government regarding the service conditions of Police Officers excluding salary and allowances.

(*2*) In particular and without prejudice to the generality of the foregoing functions, the Board may perform all or any of the following funct

(*a*) to advise and make recommendations to the State Government regarding the posting and transfer of Police Officers [1][and the State Government shall give due weight to its recommendations];

(*b*) to make appropriate recommendations to the State Government in respect of grievances received by the said Board from Police Officers regarding their promotions, disciplinary proceedings and other service matters.

(*3*) The Board shall perform such other functions as may be assigned to the Board by the State Government, from time to time.

Explanation.— For the purposes of this section, the expression "Police Officer" means a Police Officer of and above the rank of Deputy Superintendent of Police.

22E. Police Establishment Board No. 2.— (*1*) The State Government shall, by notification in the *Official Gazette*, constitute for the purposes of this Act, a Board to be called the Police Establishment Board No. 2.

(*2*) The Police Establishment Board No. 2 shall consist of the following members, namely:—

(*a*) Director General and Inspector General of Police … Chairperson;

(*b*) Director General, Anti-Corruption Bureau … Member;

(*c*) Commissioner of Police, Mumbai … Member;

(*d*) Additional Director General and Inspector General of Police (Law and Order) … Member;

(*e*) Secretary or Principal Secretary, as the case may be (Appeal and Security) … Member;

(*f*) Additional Director General and Inspector General of Police (Establishment) … Member-Secretary:

[1] These words were added by Mah. 11 of 2015, s. 3.

Provided that, if none of the aforesaid members is from the Backward Class, then the State Government shall appoint an additional member of the rank of the Additional Director General and Inspector General of Police belonging to such Class.

Explanation.— For the purposes of this sub-section, the expression "Backward Class" means the Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Special Backward Category and Other Backward Classes.

22F. Functions of Police Establishment Board No. 2.— The Police Establishment Board No. 2 shall perform the following functions, namely:—

(*1*) Subject to the provisions of this Act, the Board constituted under sub-section (*1*) of section 22E may, make appropriate recommendations to the Competent Authority concerned, regarding the service conditions of Police Officers excluding salary and allowances. The Competent Authority shall normally act upon them.

(*2*) In particular and without prejudice to the generality of the foregoing functions, the Board may perform all or any of the following functions, namely:—

(*a*) to decide posting and transfer of Police Officers;

(*b*) to make appropriate recommendations to the Competent Authority concerned, in respect of the grievances received by the Board from Police Officers regarding their promotions, disciplinary proceedings and other service matters;

(*c*) the Board shall perform such other functions as may be assigned to the Board by the State Government, from time to time.

(*3*) Notwithstanding anything contained in clauses (*1*) and (*2*), the State Government may, from time to time, give directions in public interest and administrative exigencies in respect of postings, transfers and disciplinary matters relating to the Police Officers and such directions shall be binding on the Board.

Explanation.— For the purposes of this section, the expression "Police Officer" means a Police Officer of and below the rank of the Police Inspector.

22G. Police Establishment Board at Range Level.— (*1*) The State Government shall, by notification in the *Official Gazette*, constitute for the purposes of this Act, a Board to be called the Police Establishment Board at Range Level.

(*2*) The Police Establishment Board at Range Level shall consist of the following members, namely:—

(*a*) Range Inspector General of Police	… Chairperson;
(*b*) Two senior-most Superintendents of Police within the Range	… Member;
(*c*) The Reader (Deputy Superintendent of Police), in the office of the Range Inspector General of Police	… Member-Secretary:

Provided that, if none of the aforesaid members is from the Backward Class, then the State Government shall appoint an additional member of the rank of the Superintendent of Police belonging to such Class.

Explanation.— For the purposes of this sub-section, the expression "Backward Class" means the Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Special Backward Category and Other Backward Classes.

22H. Functions of Police Establishment Board at Range Level.— The Police Establishment Board at Range Level shall perform the following functions, namely:—

(*a*) The Board shall decide all transfers, postings and other service related matters of Police Officers of the rank of Police Sub-Inspector to Police Inspector within the Range.

(*b*) The Board shall be authorized to make appropriate recommendations to the Police Establishment Board No. 2, regarding the postings and transfers out of the Range, of the Police Officers of the rank of Police Sub-Inspector to Police Inspector.

Explanation.— For the purposes of this section, the expression "Police Officer" means a Police Officer of the rank of Police Sub-Inspector to Police Inspector.

22I. Police Establishment Board at Commissionerate Level.— (*1*) The State Government shall, by notification in the *Official Gazette*, constitute for the purposes of this Act, a Board to be called the Police Establishment Board at Commissionerate Level.

(*2*) The Police Establishment Board at Commissionerate Level shall consist of the following members, namely:—

(*a*) Commissioner of Police	… Chairperson;
(*b*) Two senior-most officers in the rank of Joint Commissioner or Additional Commissioner or Deputy Commissioner of Police	… Member;
(*c*) Deputy Commissioner of Police (Head Quarter)	… Member-Secretary:

Provided that, if none of the aforesaid members is from the Backward Class, then the State Government shall appoint an additional member of the rank of the Deputy Commissioner of Police belonging to such Class.

Explanation.— For the purposes of this sub-section, the expression "Backward Class" means the Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Special Backward Category and Other Backward Classes.

22J. Functions of Police Establishment Board at Commissionerate Level.— The Police Establishment Board at Commissionerate Level shall perform the following functions, namely:—

(*a*) The Board shall decide all transfers, postings and other service related matters of Police Officers of the rank of Police Sub-Inspector to Police Inspector within the Commissionerate.

(*b*) The Board shall be authorized to make appropriate recommendations to the Police Establishment Board No. 2 regarding the postings and transfers out of the Commissionerate, of the Police Officers of the rank of Police Sub-Inspector to Police Inspector.

Explanation.— For the purposes of this section, the expression "Police Officer" means a Police Officer of the rank of Police Sub-Inspector to Police Inspector.

[1][**22J-1. Police Establishment Board at District Level.—** (*1*) The State Government shall, by notification in the *Official Gazette*, constitute for the purposes of this Act, a Board to be called the Police Establishment Board at District Level.

(*2*) The Police Establishment Board at District Level shall consist of the following members, namely:—

(*a*) District Superintendent of Police … Chairperson;

(*b*) Senior most Additional Superintendent of Police. … Member;

(*c*) Deputy Superintendent of Police (Head Quarter) … Member-Secretary:

1 These sections were inserted by Mah. 11 of 2015, s. 4.

Provided that, if none of the aforesaid members is from the Backward Class, then the District Superintendent of Police shall appoint an additional member of the rank of the Deputy Superintendent of Police belonging to such class.

Explanation.— For the purpose of this sub-section, the expression "Backward Class" means the Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Special Backward Category and Other Backward Classes.

22J-2. Functions of Police Establishment Board at District Level.— The Police Establishment Board at District Level shall perform the following functions, namely:—

(*a*) The Board shall decide all transfers, postings of Police Personnel to the rank of Police Inspector within the District Police Force.

(*b*) The Board shall be authorized to make appropriate recommendations to the Police Establishment Board No. 2 regarding the postings and transfers out of the District.

Explanation.— For the purposes of this section, the expression "Police Personnel" means a Police Personnel to the rank of Police Inspector.

22J-3. Police Establishment Board at Level of Specialized Agencies.— (*1*) The State Government shall, by notification in the *Official Gazette*, constitute for the purposes of this Act, a Board to be called the Police Establishment Board at the Levels of Specialized Agencies, namely Crime Investigation Department, State Intelligence Department, Protection of Civil Rights, Anti-Corruption Bureau, State Reserve Police Force, Anti-Terrorist Squad, Highway Traffic [1][Department, Police Communication, Information Technology and Motor Tra ing Directorate.

(*2*) The Police Establishment Board at the Level of Specialized Agencies shall consist of a Chairperson, as the Head of the concerned Specialized Agency and three senior-most Police Officers of that Specialized Agency:

Provided that, if none of the aforesaid members is from the Backward Class, then the concerned Head of the Specialized Agency shall appoint an additional member of any senior most Police Officer belonging to such class.

Explanation.— For the purposes of this sub-section, the expression "Backward Class" means the Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Special Backward Category and Other Backward Classes.

22J-4. Functions of Police Establishment Board at Levels of Specialized Agencies.— The Police Establishment Board at the Levels of Specialized Agencies shall perform the following functions, namely:—

(*a*) The respective Board shall decide all transfers and postings of all Police Personnel to the rank of Police Inspector within the Specialized Agencies.

(*b*) The respective Board shall be authorized to make appropriate recommendations to the Police Establishment Board No. 2, regarding the postings and transfers out of the Specialized Agency, of the Police Personnel to the rank of Police Inspector.

Explanation.— For the purpose of this section, the expression "Police Personnel" means a Police Personnel to the rank of Police Inspector.]

22K. Police Establishment Boards to comply rules and regulations.— While performing the functions under this Act, the Police Establishment Board No. 1, Police Establishment Board No. 2, Police Establishment Board at Range Level [2][, Police Establishment Board at Commissionerate Level, Police Establishment Board at District Level and Police Establishment Board at the Levels of Specialized

1 These words were insertedby Mah. 21 of 2024, s. 3.

2 These words were substituted for the words "and Police Establishment Board at Commissionerate Level" by Mah. 11 of 2015, s. 5.

Agencies], shall comply with and follow all the provisions of law including rules and regulations as may be in force, from time to time.

22L. Erstwhile Police Establishment Boards cease to exist.— On the constitution of the Police Establishment Board No.1, Police Establishment Board No. 2, Police Establishment Board at Range Level and Police Establishment Board at Commissionerate Level under this Act, the erstwhile Police Establishment Boards constituted by the Home Department under the Government Resolution, dated the 15th July 2013 shall cease to exist:

Provided that, the decisions and recommendations made by the respective erstwhile Police Establishment Boards shall continue to operate as if the same are made by the respective Police Establishment Boards constituted under this Act.

22M. Power of State Government not to be affected.— Nothing contained in this Act shall affect the power of the State Government or any other Competent Authority in respect of all matters relating to disciplinary action against any Police Officer of whatsoever rank.

22N. Normal tenure of Police Personnel, and Competent Authority.— [1][(*1*) Police Officers in the Police force shall have a normal tenure as mentioned below, subject to the promotion or superannuation:—

(*a*) for Police Personnel of and above the rank of Deputy Superintendent of Police or Assistant Commissioner of Police a normal tenure shall be of two years at one place of posting;

(*b*) for Police Constabulary a normal tenure shall be of five years at one place of posting;

(*c*) for Police Officers of the rank of Police Sub-Inspector, Assistant Police Inspector and Police Inspector a normal tenure shall be of two years at a Police Station or Branch, four years in a District

and eight years in a Range, however, for the Local Crime Branch and Special Branch in a District and the Crime Branch and Special Branch in a Commissionerate, a normal tenure shall be of three years;

(*d*) for Police Officers of the rank of Police Sub-Inspector, Assistant Police Inspector and Police Inspector a normal tenure shall be of six years at Commissionerates other than Mumbai, and eight years at Mumbai Commissionerate;

(*e*) for Police Officers of the rank of Police Sub-Inspector, Assistant Police Inspector and Police Inspector in Specialized Agencies a normal tenure shall be of three years.] The Competent Authority for the general transfer shall be as follows, namely:—

Police Personnel	
(*a*) Officers of the Indian Police Service	… Competent Authority … Chief Minister;
(*b*) Maharashtra Police Service Officers of and above the rank of Deputy Superintendent of Police	… Home Minster;
(*c*) Officers upto Police Inspector	… (*a*) Police Establishment Board No. 2.
	(*b*) Police Establishment Board at Range Level.
	(*c*) Police Establishment Board at Commissionerate Level:
	2[(*d*) Police Establishment Board at District Level.
	(*e*) Police Establishment Board at the Level of Specialized Agency.]

1 These words were substituted for the words "Any Police Personnel in the Police force shall have a normal Tenure of two years on one post or office, Subject to the promotion or superannuation." by Mah. 11 of 2015, s. 6 (*a*)(*i*).

2 These entries were added by Mah. 11 of 2015, s. 6 (*a*)(*ii*).

 Provided that, the State Government may transfer any Police Personnel prior to the completion of his normal tenure, if,—

(*a*) disciplinary proceedings are instituted or contemplated against the Police Personnel; or

(*b*) the Police Personnel is convicted by a court of law; or

(*c*) there are allegations of corruption against the Police Personnel; or

(*d*) the Police Personnel is otherwise incapacitated from discharging his responsibility; or

(*e*) the Police Personnel is guilty of dereliction of duty.

(*2*) In addition to the grounds mentioned in sub-section (*1*), in exceptional cases, in public interest and on account of administrative exigencies, the Competent Authority shall make mid-term transfer of any Police Personnel of the Police Force:

1[* * *]

2[*Explanation*.— For the purposes of this sub-section, the expression "Competent Authority" shall mean:—

Police Personnel	
(*a*) Officers of the Indian Police Service	
(*b*) Maharashtra Police Service Officers of and above the rank of Deputy Superintendent of Police.	
(*c*) Police Personnel upto the rank of Police Inspector for transfer out of the respective Range or Commissionerate or Specialized Agency.	
(*d*) Police Personnel upto the rank of Police Inspector for transfer within the respective Range, Commissionrate or Specialized Agency.	

(*e*) Police Personnel upto the rank of Police Inspector for transfer within the District.

Competent Authority

Chief Minister;

Home Minster;

Police Establishment Board No. 2;

Police Establishment Boards at the Level of Range, Commissionrate or Specialized Agency, as the case may be;

Police Establishment Board at District Level:

Provided that, in case of any serious complaint, irregularity, law and order problem the highest Competent Authority can make the transfer of any Police Personnel without any recommendation of the concerned Police Establishment Board.]

[3][**22N-1. Maximum percentage of transfer in a year.—** Notwithstanding anything contained in sub-section (*1*) of section 22N or any other provisions of this Act, to ensure that the Government work is not adversely affected on account of large scale transfers of Police Personnel from one single Department or office, not more than one-third of the Police Personnel shall be transferred from any office or Department at a time, in a year.]

22O. Separation of Investigation Police from Law and Order Police.— (*1*) The crime branch or local crime branch and detection or investigation cells in each Police Station shall concentrate on investigation of crimes exclusively and shall not be entrusted with law and order, security and other duties, ordinarily.

1 The proviso was deleted by Mah. 11 of 2015, s. 6 (*b*)(*i*).

2 This *Explanation* was substituted for the existing *Explanation* by Mah. 11 of 2015, s. 6 (*b*)(*ii*). 3 This Section was inserted by Mah. 11 of 2015, s. 7.

(*2*) The Unit Commanders shall ensure the co-ordination between the investigation or detection wing and the law and order and other wings of each Unit.

22P. State Police Complaints Authority.— (*1*) The State Government shall, by notification in the *Official Gazette*, constitute for the purposes of this Act, an Authority to be called the State Police Complaints Authority.

(*2*) The State Police Complaints Authority shall consist of the following members, namely:—

(*a*) A retired High Court Judge … Chairperson;

(*b*) A Police Officer superannuated in the rank not below the rank of Special Inspector General of Police … Member;

(*c*) A person of eminence from the civil society … Member;

(*d*) A retired officer not below the rank of Secretary to the State Government … Member;

(*e*) Officer not below the rank of Additional Director General and … Member-Secretary.

Inspector General of Police

(*3*) On the constitution of the State Police Complaints Authority under this Act, the erstwhile State Police Complaints Authority constituted by the Home Department under the Government Resolution, dated the 15th July 2013 shall cease to exist:

Provided that, the complaints and inquiries pending before the erstwhile State Police Complaints Authority shall continue to operate as if such complaints or inquiries are pending with the State Police Complaints Authority constituted under this Act and the recommendations made by the erstwhile State Police Complaints Authority shall continue to operate as if the same are made by the State Police Complaints Authority Constituted under this Act.

(*4*) The Chairperson of the State Police Complaints Authority shall be chosen by the State Government out of a panel of names proposed by the Chief Justice of the High Court.

22Q. Powers and functions of State Police Complaints Authority.— (*1*) The State Police Complaints Authority shall exercise the powers and perform the function as follows:—

(*a*) inquire *suo-moto* or on a complaint against Police Officers presented to it by,—

(*i*) a victim or any member of his family or any other person on his behalf;

(*ii*) the National or State Human Rights Commission; and

(*iii*) the police,

into the complaint of,—

(*i*) death in police custody;

(*ii*) grievous hurt as defined under section 320 of the Indian Penal Code (45 of 1860);

(*iii*) rape or attempt to commit rape;

(*iv*) arrest or detention without following the prescribed procedure;

(*v*) corruption;

(*vi*) extortion;

(*vii*) land or house grabbing; and

(*viii*) any other matter involving serious violation of any provision of law or abuse of lawful authority;

(*b*) require any person to furnish information on such points or matters as in the opinion of the authority may be useful for or relevant to the subject matter of inquiry.

(*2*) The members of the State Police Complaints Authority shall work for the Authority on a whole time basis. The salary or honorarium and other allowances payable to, and the other terms and conditions of service of the non-official members of the State Police Complaints Authority shall be such as may be prescribed by the State Government.

(*3*) The term of office of a member of the State Police Complaints Authority shall be of three years.

(*4*) The State Police Complaints Authority shall, while inquiring into any of the matters referred to in sub-section (*1*) have all the powers of a civil court while trying a civil suit under the Code of Civil Procedure, 1908 (5 of 1908), in respect of the following matters:—

(*a*) summoning and enforcing the attendance of witnesses and examining them on oath;

(*b*) requiring the discovery and production of any document;

(*c*) receiving evidence on affidavits;

(*d*) requisitioning any public record or copy thereof from any court or office;

(*e*) issuing Commissions for the examination of witnesses or documents; and

(*f*) such other matters as may be prescribed by the State Government.

(*5*) The State Police Complaints Authority shall have the power to require any person, subject to legal privilege to furnish information s, in the opinion of the State Police

Complaints Authority, may be useful for, or relevant to, the subject matter of the inquiry, and any person so required shall be deemed to be legally bound to furnish such information within the meaning of sections 176 and 177 of the Indian Penal Code (45 of 1860).

(*6*) Notwithstanding anything contained in this Act, the State Police Complaints Authority shall be deemed to be a civil court, and when any offence as defined in section 175, 178, 179, 180 or 228 of the Indian Penal Code (45 of 1860) is committed in view of or in the presence of the Authority, the Authority may cause the offender to be detained in custody and may, at any time before the rising of the Authority on the same day, take cognizance of the offence and, after giving the offender a reasonable opportunity of showing cause why he should not be punished under this section, sentence the offender to fine not exceeding two hundred rupees and, in default of payment of fine, to simple imprisonment for a term which may extend to one month, unless such fine be sooner paid. If the State Police Complaints Authority in any case considers that a person accused of any of the offences referred to in section 345 of the Code of Criminal Procedure, 1973 (2 of 1974), and committed in its view or presence should be imprisoned otherwise than in default of payment of fine, or that a fine exceeding two hundred rupees should be imposed upon him, or such State Police Complaints Authority is, for any other reason, of opinion that the case should not be disposed of under section 345 of the Code of Criminal Procedure, 1973 (2 of 1974), such State Police Complaints Authority, after recording the facts constituting the offence and the statement of the accused as hereinbefore provided, may forward the case to a Magistrate having jurisdiction to try the same, and may require security to be given for the appearance of such person before such Magistrate, or if sufficient security is not given shall forward such person in custody to such Magistrate. The Magistrate to whom any such case is forwarded shall proceed to deal with, as far as may be, as if it were instituted on a police report.

(*7*) Every proceeding before the State Police Complaints Authority shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228, and for the purpose of section 196 of the Indian Penal Code (45 of 1860), the State Police Complaints Authority shall be deemed to be a civil court for all the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 (2 of 1974).

(*8*) The State Police Complaints Authority shall have the power to advise the State Government on measures to ensure protection of witnesses, victims and their families who might face any threat or harassment for making the complaint or for furnishing evidence.

(*9*) Any member of the State Police Complaints Authority as may be authorized by the Chairperson in writing may visit any police station, lock-up, or any other place of detention used by the police and, if he thinks fit, he may be accompanied by a Police Officer.

(*10*) The State Police Complaints Authority may, for the purpose of field inquiry direct any person as it deems fit to inquire into the subject matter of inquiry and submit a report to the Authority.

22R. Report to be submitted to State Government.— (*1*) The State Police Complaints Authority shall, after completing the inquiry, submit a report to the State Government within such time as may be prescribed by the State Government.

(*2*) On receipt of the report from the State Police Complaints Authority, the State Government shall take any of the following steps:—

(*a*) The State Government shall accept the report and act on the same unless the State Government exercises power of rejecting the report as specified in sub-section (*3*).

(*b*) Treat the same as a preliminary inquiry for the purpose of instituting disciplinary proceedings and thereafter the State Government or the Competent Authority, as the case may be, shall direct institution of disciplinary proceedings against the delinquent Police Officer.

(*c*) If the report of the State Police Complaints Authority discloses a *prima facie* case of commission of a cognizable offence, the State Government shall forward the same to the concerned Police Station and thereupon the same may be recorded as First Information Report under section 154 of the Code of Criminal Procedure, 1973 (2 of 1974).

(*3*) Notwithstanding anything contained in this Act, the State Government may reject the report of the State Police Complaints Authority in exceptional cases for reasons to be recorded in writing.

(*4*) In the event of the State Government rejecting the report of the State Police Complaints Authority, it may require the State Police Complaints Authority to hold further inquiry in the matter and submit a fresh report in that behalf.

Explanation.— For the purposes of section 22Q and this section, the expression "Police Officer" means the Police Officer of the rank of Deputy Superintendent of Police or Assistant Commissioner of Police and above.

22S. Division Level Police Complaints Authority.— (*1*) The State Government shall, by notification in the *Official Gazette*, constitute for the purposes of this Act, an Authority to be called the Division Level Police Complaints Authority.

(*2*) The Division Level Police Complaints Authority shall consist of the following members, namely:—

(*a*) A retired Principal District Judge	…	Chairperson;
(*b*) A Police Officer superannuated not below the rank of Superintendent of Police	…	Member;
(*c*) Deputy Commissioner of Police (Headquarter)	...	Member;
(*d*) A person of eminence from the civil society	…	Member;
(*e*) An officer of the rank of Deputy Superintendent of Police or equivalent	…	Member-Secretary.

(*3*) On constitution of the Division Level Police Complaints Authority under sub-section (*1*), the erstwhile District Police Complaints Authority constituted by the Home Department under the Government Resolution, dated the 15th July 2013 shall cease to exist.

(*4*) The provisions of sections 22P, 22Q and 22R regarding the continuance of complaints or inquiries and recommendations, appointment of Chair-persons, powers and functions of the State Police Complaints Authority and submission of its report to the State Government, respectively, shall, *mutatis mutandis*, apply to the Division Level Police Complaints Authority.

22T. Prosecution for false complaint against Police Officer.— (*1*) Notwithstanding anything contained in this Act, whoever makes any false or frivolous complaint against Police Officer under this Chapter, shall, on conviction, be punished with an imprisonment of either description of a term which may extend to two years or with fine or with both and if such proceeding be instituted on a false charge of an offence punishable with death, imprisonment for life or imprisonment for seven years or upwards, shall be punishable with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

(*2*) For taking cognizance of an offence under sub-section (*1*) by the court, the provisions of section 195 of the Code of Criminal Procedure, 1973 (2 of 1974) shall, *mutatis mutandis*, apply.

(*3*) In case of conviction of a person for having made a false or frivolous complaint under this Act, such person shall be liable to pay to the concerned Police Officer against whom he has made the false or frivolous complaint, in addition to the legal expenses for contesting the case, a compensation which the Court trying the case under sub-section (*2*) may determine.

(*4*) Nothing contained in this section shall apply in case of complaints made in good faith.

Explanation.— For the purposes of this section, the expression "good faith" shall have the same meaning assigned to it in section 52 of t 1860).]

CHAPTER III

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 the Police Force allocated to 1[Brihan Mumbai] and other areas for which he has been appointed and the 2[Director-General and Inspector-General], in the case of the Police Force allocated to other areas may make rules or orders 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 quantity of arms, accoutrements, clothing and other necessaries 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;

1 This words were substituted for the words "Greater Bombay" by Mah. 27 of 2023, s. 5.

2 These words shall be deemed to have been substituted with effect from the 13th day of December 1982 for the words "Inspector-General" by Mah. 32 of 1987, s. 2.

(*g*) regulating the collection and communicating 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.

24. 1[Director-General and Inspector-General] or Commissioner may call for returns.— (*1*) The 2[Director-General and Inspector-General] may, subject to the rules and orders of the State Government, call for such returns, reports and statements on subjects connected with the suppression of crime, the maintenance of order and the performance of their duties as his subordinates may be able to furnish to him. The 3[Director-General and Inspector-General] shall communicate to the District Magistrate 4[and Revenue Commissioner] 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 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*).

25. Punishment of the members of the subordinate ranks of the Police Force departmentally for neglect of duty, etc.— 5[(*1*) The State Government or any officer authorised under sub-section (*2*), in that behalf, may impose upon an Inspector or any member of the subordinate ranks of the Police Force, who in the opinion of the State Government or such authorised officer, is cruel, perverse, remiss or negligent in, or unfit for, the discharge of his duties, any one or more of the following penalties, namely :—

(*a*) recovery from pay of the whole or part of any pecuniary loss caused to Government on account of the negligence or breach of orders on the part of such Inspector or any member of the subordinate rank of the Police Force ;

(*b*) suspension ;

(*c*) reduction in rank, grade or pay, or removal from any office of distinction or withdrawal of any special emoluments ;

(*d*) compulsory retirement ;

(*e*) removal from service which does not disqualify for future employment in any department other than the Police Department ;

(*f*) dismissal which disqualifies for future employment in Government service :

Provided that, suspension of a Police Officer pending an inquiry into his conduct or investigation of a complaint against him of any criminal offence shall not be deemed to be a punishment under clause (*b*).

(*1-A*) The State Government or any officer authorised under sub-section (*2*) in that behalf, may impose upon an Inspector or any member of the subordinate ranks of the Police Force, who is guilty of any breach of discipline or misconduct or of any act rendering him unfit for the discharge of his duty which, in the opinion of the State Government or of such authorised officer, is not of such nature as to call for imposition of any of the punishments referred to in sub-section (*1*), any one or more of the following punishments, namely :—

(*a*) warning;

(*b*) a reprimand (to be entered in his service book);

1 These words shall be deemed to have been substituted with effect from the 13th day of December 1982 for the words "Inspector-General" by Mah. 32 of 1987, s. 2.

2 These words shall be deemed to have been substituted with effect from the 13th day of December 1982 for the words "Inspector-General" by Mah. 32 of 1987, s. 2.

3 These words shall be deemed to have been substituted with effect from the 13th day of December 1982 for the words "Inspector-General" by Mah. 32 of 1987, s. 2.

4 These words were inserted by Bom. 8 of 1958, s. 3, Schedule.

5 Sub-sections (*1*) and (*1-A*) were substituted by Mah. 40 of 2000, s. 6.

(*c*) extra drill;

(*d*) fine not exceeding one month's pay;

(*e*) stoppage of increments:

Provided that, the punishment specified,—

(*i*) in clause (*c*), shall not be imposed upon any personnel above the rank of Constable;

(*ii*) in clause (*d*), shall not be imposed upon an Inspector.

(*2*) **Punitive powers of 1[Director-General and Inspector-General], Commissioner, Deputy Inspector-General 2[(including Director of Police Wireless)] and 3[Superintendent] 4[and Principal of Training Institution].—**5[(*a*) The Director General and Inspector General including Additional Director General, Special Inspector General, Commissioner including 6[Special Commissioner] Joint Commissioner, Additional Commissioner and Deputy Inspector General shall have authority to punish an Inspector or any member of the subordinate rank under sub-section (*1*) or (*1-A*). A Superintendent shall have the like authority in respect of any Police Officer subordinate to him below the grade of Inspector and shall have powers to suspend an Inspector who is subordinate to him pending enquiry into a complaint against such Inspector and until an order of the Director General and Inspector General or Additional Director General and Inspector General and (including the Director of Police Wireless) and Deputy Inspector General of Police can be obtained.]

(*b*) The Principal of 7[a Police Training College] shall also have the like authority in respect of any member of the subordinate ranks of the Police Force below the grade of Inspector 8[undergoing training at 9[such 10[College]] or] serving under him, and in respect of head constables and constables belonging to the Po n which such 12[College] is situated]

or of any other district attached to [13][such [14][College]] for duty under him. [15][He may also suspend an Inspector who is [16][undergoing training at [17][such [18][College]] or] subordinate to him pending inquiry into a complaint against such Inspector and until an order of the [19][Director-General and Inspector-General] or Deputy Inspector-General can be obtained.]

[20][(*ba*) The Principal of a Police Training School shall have the like authority in respect of any member of the subordinate ranks of the Police Force below the grade of an Inspector, undergoing training at such school or serving under him, or attached to such school for duty under him.]

[21]* * * * * *

1 These words shall be deemed to have been substituted with effect from the 13th day of December 1982 for the words "Inspector-General" by Mah. 32 of 1987, s. 2.
2 These brackets and words were inserted by Mah. 24 of 1971, s. 5.
3 This word was substituted for the words "District Superintendent" by Mah. 46 of 1962, s. 3, Sch.
4 These words were added by Mah. 28 of 1964, s. 5 (*d*).
5 Clause (*a*) was substituted by Mah. 40 of 2000, s. 6 (*2*)(*a*).
6 These words were inserted and shall be deemed to have been inserted with effect from the 4th January 2023 by Mah. 27 of 2023, s. 4.
7 These words were substituted for the words "Police Training School" by Mah. 28 of 1964, s. 5 (*a*)(*i*).
8 These words were inserted by Bom. 6 of 1955, s. 2 (*i*).
9 These words were substituted for the words "the said school" by Bom. 34 of 1959, s. 13 (*1*)(*b*).
10 This word was substituted for the word "School" by Mah. 28 of 1964, s. 5 *(a)* (*ii*).
11 These words were substituted for the words "the Nasik District" by Bom. 34 of 1959, s. 13 (*i*)(*c*).
12 This word was substituted for the word "School" by Mah. 28 of 1964, s. 5 (*a*) (*ii*).
13 These words were substituted for the words "the said school" by Bom. 34 of 1959, s. 13 (*1*)(*b*).
14 This word was substituted for the word "School" by Mah. 28 of 1964, s. 5 (*a*) (*ii*).
15 These words were deleted by Bom. 20 of 1953, s. 4 (*2*) and again inserted by Bom. 28 of 1954, s. 5 (*3*).
16 These words were inserted by Bom. 6 of 1955, s. 2 (*2*).
17 These words were substituted for the words "the said school" by Bom. 34 of 1959, s. 13 (*1*)(*b*).
18 This word was substituted for the word "School" by Mah. 28 of 1964, s. 5 (*a*)(*ii*).
19 These words shall be deemed to have been substituted with effect from the 13th day of December 1982 for the words "Inspector-General" by Mah. 32 of 1987, s. 2.
20 Clause (*ba*) was substituted by Mah. 40 of 2000, s. 6 (*2*)(*b*).
21 Clause (*bb*) was deleted by Mah. 24 of 1971, s. 5 (*2*).

(*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 [1][sub-sections (*1*), (*1A*)] 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 entitled any authority subordinate to that by which the Police officer was appointed, to dismiss or remove him.

[2]**[26. Procedure to be observed in awarding punishment .—** Except in cases referred to in the second proviso to clause (*2*) of Article 311 of the Constitution of India, no order of punishment under sub-section (*1*) of section 25 shall be passed unless the prescribed procedure is followed.]

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 lie to the State Government itself or to such officer as the State Government may by general or special order specify:

[3][Provided that, a punishment shall not be enhanced or more severe punishment shall not be awarded in appeal, unless notice to show cause against such enhancement or, as the case may be, more severe punishment, has been given, and any cause shown thereon has been considered.]

[4]**[27A. Power of State Government or Director General and Inspector General to call for record of any inquiry or proceeding.—** The State Government or the Director General and the Inspector General may, *suo motu* or on an application made to it or him, as the case may be, within the period

prescribed in this behalf, call for and examine the record of any inquiry or proceedings held against any Police officer under this Chapter by any authority for the purpose of satisfying itself or himself as to the legality or propriety of any decision taken or order passed in any such inquiry and as to the regularity of the proceedings held, against such officer, and may, at any time,—

(*a*) confirm, modify or reverse any such order;

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

(*c*) direct that further inquiry be held; or

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

Provided that, an order in revision imposing or enhancing the punishment, shall not be passed unless the Police officer affected thereby has been given a reasonable opportunity of making a representation which he may wish to make against such punishment:

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 and 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 of such appeal; and

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

27B. Power of State Government or Director General and Inspector General to review order passed under section 25, 27 or 27A.— The State Government or the Director General and Inspector

1 The word, bracket and figure were substituted for the word, bracket and figure "Sub-sections (*1*)" by Mah. 40 of 2000, s. 6 (*3*).

2 Section 26 was substituted by Mah. 40 of 2000, s. 7.

3 The proviso was added by Mah. 40 of 2000, s. 8.

4 Sections 27A, 27B and 27C were inserted by Mah. 40 of 2000, s. 9.

General of Police may, at any time, either *suo moto* or otherwise, review any order passed by it or him, as the case may be under section 25, 27 or 27A, when any new material or evidence which could not be produced or was not available at the time of passing the order under review and which has the effect of changing the nature of the case, has come or has been brought, to its or his notice:

Provided that, no order imposing or enhancing any penalty shall be made by the State Government or Director General and Inspector General unless the Police officer concerned has been given a reasonable opportunity of making a representation against the penalty proposed, or where it is proposed to impose any of the major penalties specified in sub-section (*1*) of section 25 or to enhance the minor penalty imposed by the order sought to be reviewed, to any of the major penalties:

Provided also that, if any inquiry under the prescribed rules has not already been held in the case, no such penalty shall be imposed except after holding an inquiry in the manner prescribed by rules.

27C. Power to make rules.— Without prejudice to the power to issue an order contained in clause (*b*) of section 5, the State Government may, frame rules consistent with this Act for carrying out the purposes of sections 27, 27A and 27B.]

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 1[Director-General and 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 transfer to be given by the [2][Director General and Inspector General] to the Commissioner and District Magistrate.—** Timely intimation shall, except in cases of extreme urgency, be given to the [3][Revenue Commissioner] and the District Magistrate by the [4][Director General and 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 subordinates shall give all reasonable furtherance to such transfer.

29. Under what conditions Police officer may resign.—[5][(*1*) No Police officer [6][of 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 [7][a Police [8][Training College]], or of the [9][Superintendent] or of some other Police officer empowered by the [10][Director-General and 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 or physical incapacity for further service in the Police, the necessary written permission to resign shall forthwith be granted to him on his

1 These words shall be deemed to have been substituted with effect from the 13th day of December 1982 for the words "Inspector-General" by Mah. 32 of 1987, s. 2.

2 These words shall be deemed to have been substituted with effect from the 13th day of December 1982 for the words "Inspector-General" by Mah. 32 of 1987, s. 2.

3 These words were substituted for the word "Commissioner" by Bom. 8 of 1958, s. 3, Schedule.

4 These words shall be deemed to have been substituted with effect from the 13th day of December 1982 for the words "Inspector-General" by Mah. 32 of 1987, s. 2.

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

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

7 These words were substituted for the words "the Central Police Training School, Nasik," by Bom. 34 of 1959, s. 14(*1*). 8 These words were substituted for the words "Training School" by Mah. 28 of 1964, s. 6(*a*).

9 This word was substituted for the words "District Superintendent" by Mah. 46 of 1962, s.3, Sch.

10 These words shall be deemed to have been substituted with effect from the date 13th day of December 1982 for the words "Inspector-General" by Mah. 32 of 1987, s. 2.

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*) **Arrears of pay of a Police officer contravening this section may be forfeited.—** If any such Police officer as aforesaid 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 [1][the Police [2][Training College]], or of the [3][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.

30. Certificate, arms, etc., to be delivered up by person ceasing to be a Police officer and if not delivered up may be seized under a search warrant.— (*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, Criminal Investigation Department, or the Principal of [4][the Police [5][Training College or School]], or the [6][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 necessaries which have been furnished to him for the performance of duties and functions connected with his office.

(*2*) Any Magistrate and, for special reasons which shall be recorded in writing at the time, the Commissioner or the Deputy Inspecto ation Department, or the Principal of

[7][the Police [8][Training College or School]], or any [9][Superintendent], Assistant Superintendent, or Deputy Superintendent may issue a warrant to search for and seize, wherever they be found, any certificate, arms, accoutrements, clothing or other necessaries not so delivered up. Every warrant so issued shall be executed in accordance with the provisions of the [10]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 [11][the Police [12][Training College or School]], the [13][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 [14][Director-General and Inspector-General], or the Commissioner, as the case may be, has become the property of the person to whom the same was furnished.

31. Occupation of and 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 cases, 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.

1 These words were substituted for the words "the Central Police Training School, Nasik" by Bom. 34 of 1959, s. 14(*2*).
2 These words were substituted for the words "Training School" by Mah. 28 of 1964, s. 6(*b*).
3 This word was substituted for the words "District Superintendent" by Mah. 46 of 1962, s. 3, Sch.
4 These words were substituted for the words "the Central Police Training School, Nasik" by Bom. 34 of 1959, s. 15.
5 These words were substituted for the words "Training School" by Mah. 28 of 1964, s. 7.
6 This word was substituted for the words "District Superintendent" by Mah. 46 of 1962, s. 3, Sch.
7 These words were substituted for the words "the Central Police Training School, Nasik" by Bom. 34 of 1959, s.15.
8 These words were substituted for the words "Training School" by Mah. 28 of 1964, s. 7.
9 This word was substituted for the words "District Superintendent" by Mah. 46 of 1962, s. 3, Sch.
10 *See* now the Code of Criminal Procedure, 1973 (2 of 1974).
11 These words were substituted for the words "the Central Police Training School, Nasik," by Bom. 34 of 1959, s. 15.
12 These words were substituted for the words "Training School" by Mah. 28 of 1964, s. 7.
13 This word was substituted for the words "District Superintendent" by Mah. 46 of 1962, s. 3, Sch.
14 These words shall be deemed to have been substituted with effect from the 13th day of December 1982 for the words "Inspector-General" by Mah. 32 of 1987, s. 2.

(*2*) If any person who is bound or required under sub-section (*1*) to vacate any premises fails to do so, the 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 therefrom any person found therein and to take possession of the premises and delivered the same to any person specified in the direction.

[1]**[32. State Government may make order under section 144 of Act V of 1898.—** The State order to such effect as any order if made by a Magistrate under section 144 of the [2]Code of Criminal Procedure, 1898 (V of 1898) could be continued in force by the State Government under the said Code.]

CHAPTER IV

POLICE REGULATIONS

[3] [4]**33. Power to make rules for regulation of traffic and for preservation of order in public place, etc.—** (*1*) [5][The Commissioner with respect to any of the matters specified in this sub-section, the District Magistrate] with respect to any of the said matters (except those falling under [6][clauses (*a*), (*b*), (*db*), (*e*), (*g*), (*r*), (*t*) and (*u*) thereof), and the Superintendent of Police with respect of the matters falling under the clauses aforementioned read with clause (*y*) of this sub-section,] in areas under their respective

charges or any part thereof, may make, alter or rescind rules or orders not inconsistent with this Act for—

(*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 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 ;

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

[8][(*db*) licensing, controlling or prohibiting the erection, exhibition, fixation or retention of any sign, device or representation for the purpose of advertisements, which is visible against the sky

1 This section was substituted for the original by Bom. 34 of 1959, s. 16.

2 *See* now the Code of Criminal Procedure, 1973 (2 of 1974).

3 Section 4 of Mah. 13 of 1965 reads as follows :—

"4. Saving of existing rules and orders.— Notwithstanding the amendments made in section 33 of the principal Act by the last preceding section, all the rules and orders made by a District Magistrate in exercise of the powers conferred by clauses (*b*), (*d*), (*db*), (*e*) and (*g*) read with clause (*y*) of sub-section (*1*) of the said section 33 and in force in any area immediately before the commencement of this Act shall continue in force therein until altered or repealed or amended by a competent authority." .

4 Section 4 of Mah. 45 of 1967 reads as follows :—

"4. Saving of existing rules and orders.— Notwithstanding the further amendments made in section 33 of the principal Act by clause (*a*) of section 2 of this Act, all the rules and orders made by a District Magistrate in exercise of the powers conferred by clauses (*a*), (*r*), (*t*) and (*u*) read with clause (*y*) of sub-section (*1*) of the said section 33 and in force in any area immediately before the commencement of this Act shall continue in force therein until altered or repealed or amended by a competent authority. ".

5 This portion was substituted for the words "the Commissioner and the District Magistrate" by Mah. 13 of 1965, s. 3 (*a*). 6 This portion was substituted for "the clauses (*b*), (*d*), (*db*), (*e*) and (*g*)" by Mah. 45 of 1967, s. 2 (*a*).

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

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

from some point in any street and is hoisted or held aloft over any land, building or structure at such heights 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 of 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 ordure 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 carcases 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 resident 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 residents of passengers in the vicinity, prohibiting the playing of music, the beating of drums, tom-toms or other 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 street and prescribing in the case of processions, the routes by which, the order in which and 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 of 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 of Municipal officers duly authorized 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 [1][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 want only discharging a fire-arm or air-gun, or letting 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 affixing thereto lamps or other contrivances for illumination, except subject to such reasonable rules, as he may make in that behalf ;

(*v*) regulating the hours during which and the manner in which any place for the disposal of 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 safely and the prevention of disturbance there at ;

[2][(*wa*) (*i*) licensing or controlling [3][in the interest of public order, decency or morality or in the interest of the general public], with such exceptions as may be specified, the musical, dancing, mimetic or the article or other performances for the 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 performances [4][and of the scripts in respect thereof if any, and granting of suitability certificate therefor subject to conditions if any] [5][by a Board appointed by the State Government for the purpose, either for the whole State or for the area concerned,] [6][the members of the Board being persons who in the opinion of the State Government possess knowledge of, or experience in, literature, the theatre and other matters relevant to such scrutiny] or by an Advisory Committee appointed by the Commissioner, or the District Magistrate in this behalf ; [7][provision for appeal against the order or decision of the Board to the prescribed authority, its appointment or constitution, its procedure and other matter ancillary thereto, and the fees (whether in the form of court-fee stamp or otherwise) to be charged for the scrutiny of such performances or scripts for applications for obtaining such certificates and for issuing duplicates thereof and in respect of such appeals ;]

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

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

2 Clause (*wa*) was inserted by Bom. 20 of 1953, s. 6 (*1*).

3 These words were inserted by Mah. 37 of 1973, s. 2 (*1*).

4 These words were inserted by Mah. 37 of 1973, s. 2 (*2*)(*a*).

5 These words were substituted for the words "by a Board appointed by the State Government" by Mah. 45 of 1967, s. 2 (*b*).

6 This portion was added by Mah. 37 of 1973, s. 2 (*2*)(*b*).

7 This portion was added by Mah. 37 of 1973, s. 2 (*2*)(*c*).

[1][(*wb*) licensing or controlling (with such exceptions as may be specified) in the interest of public order, decency or morality or in the interest of the general public places used as dancing schools ;]

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

[2][(*xa*) registration of eating houses, including granting a certificate of registration in each case which shall be deemed to be a written permission required and obtained under this Act for keeping the eating house, and annual renew ribed period ;]

(*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 [3][or certificate of registration] 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. XXV of 1949), [4][or [5]* * * * * * * * * the Abkari Act Hyd. I of 1316F, the Hyderabad Intoxicating Drugs Act (Hyd. IV of 1333F), the Central Province and Berar Excise Act, 1915 (C. P. 11 of 1915), or the Central Provinces and Berar Prohibition Act, 1938 (C. P. and Berar VII of 1938)] or under any other law for the time being in force [6][relating to the Abkari, revenue 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 any way affect the provisions of the [7]Arms Act, 1878 (XI of 1878), or of the Explosives Act, 1884 (IV of 1884), or of rules made under either of those enactments or the liability of any person thereunder :

Provided further that any action taken under the rules or orders made under this sub-section or the grant of a licence [8][or certificate or registration] made under such rules or orders shall be subject to the control and supervision of the State Government :

[9][Provided also that against any order under granting or refusing to grant or renew or revoking any licence for [10][the using of loudspeaker in or near any public place or in any place of public entertainment, or for any places of public amusement or entertainment] [11][or used as a dancing school] [12][or refusing to grant or renew or revoking any certificate of registration for any eating house,] an appeal shall lie to the State Government itself, or to such officer as the State Government may by general or special order specify, within thirty days from the date of receipt of such order by the aggrieved person].

[13][(*1A*) The power to make rules or orders under clauses (*w*), (*wa*) and (*x*) [14][of sub-section (*1*)] shall in the first instance have effect only in relation to [15][the Bombay area of the State of Maharashtra]; 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.]

1 Clause (*wb*) was inserted by Mah. 1 of 1974, s. 3 (*a*)(*i*).
2 Clause (*xa*) was inserted by Mah. 2 of 1969, s. 3 (*a*)(*i*).
3 These words were inserted by Mah. 2 of 1969, s. 3 (*a*)(*ii*).
4 These portion was inserted by Bom. 34 of 1959, s. 17 (*1*).
5 The words "that Act as in force in the Saurashtra area or the Kutch area of the State of Bombay" were omitted by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.
6 These words were substituted for the words "relating to the Abkari revenue" by Bom. 34 of 1959, s. 17 (*1*).
7 Now see the Arms Act, 1959 (54 of 1959).
8 These words were inserted by Mah. 2 of 1969, s. 3 (*a*)(*iii*).
9 This proviso was added by Mah. 45 of 1967, s. 2 (*c*).
10 These words were substituted for the words "any place of public entertainment" by Mah. 3 of 1995, s. 2.
11 These words were inserted by Mah. 1 of 1974, s. 3 (*a*)(*ii*).
12 These words were inserted by Mah. 2 of 1969, s. 3 (*a*)(*iv*).
13 This sub-section was inserted by Bom. 34 of 1959, s. 17 (*2*).
14 This portion was inserted by Mah. 2 of 1960, s. 3(*a*).
15 These words were substituted for the words "the area of the pre-Reorganisation State of Bombay excluding the transferred territories" by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

[1][(*1B*) The power to make rules, orders or appointment under clauses (*w*) and (*wa*) [2][(*x*) and (*xa*)] and in so far as it relates to a licence or permission under any of those clauses, under clause (*y*) of sub-section (*1*), may, subject to the provision of sub-section (*1A*), also be exercised by a Revenue Commissioner in the revenue division under this charge.]

(*2*) (*i*) The power of making, altering or rescinding rules under [3][clauses (*a*) and (*c*)] of sub-section (*1*) shall be subject to the control of the

(*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 (*v*) 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 (*1*) of sub-section (*1*) shall, if made in relation to [4][any area which is not under the charge of a Commissioner], be forthwith [5][reported to the Revenue Commissioner 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 by-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 by-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 or alteration or rescission of a rule made under this section shall be published in the *OfficialGazette* and in the locality affected thereby 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 of [6][the Revenue Commissioner, the Commissioner], [7][the District Magistrate or the Superintendent,] as the case may be, is satisfied that circumstances exist which render it necessary that such rules or alterations 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 thereunder, 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 [8][or any place used for conducting a dancing school] [9][or to refuse a certificate of registration for, or to prohibit the keeping of any eating house, as the case may be,] 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.

[10][* * *]

[11][* * *]

1 Sub-section (*1B*) was inserted by Mah. 2 of 1960.

2 The bracket, letters and words were substituted for "and (*x*)" by Mah. 2 of 1969, s. 3(*b*).

3 These words were substituted for the words "clauses (*a*), (*b*) and (*c*)" by Mah. 13 of 1965, s. 3(*b*).

4 These words were substituted for the words "any area outside Greater Bombay" by Bom. 56 of 1959, s. 3, *Sch*. 5 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*.

6 These words were substituted for the words "the Commissioner" by Mah. 2 of 1960, s. 3(*c*).

7 These words were substituted for the words "or the District Magistrate" by Mah. 13 of 1965, s. 3(*c*).

8 These words were inserted by Mah. 1 of 1974, s. 3(*b*).

9 These words were inserted by Mah. 2 of 1969, s. 3(*c*).

10 Section 33A was deleted by Mah. 12 of 2016, s. 16.

11 Section 33B was deleted by Mah. 15 of 2014, s. 3.

34. Competent authority may authorise erection of barriers on streets.— The Commissioner and the [1][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 on any street for the purpose of stopping temporarily vehicles driven on such street and satisfy himself that the provisions of law for the time being in force have not been contravened in respect of any such vehicle or by the driver of or 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 such 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 the public peace or is not objectionable for any other reason.

(*2*) Any rules made under sub-section (*1*) shall specify the places set apart for the disposal of the dead of different communities or sections 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, 1904 (Bom. 1 of 1904), shall not be earlier than two months from the date on which the draft of the proposed 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 [2][Superintendent] and of other officers to give 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 [3][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 time 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 street or public place or place of public resort may be thronged 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 singing, 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 ;

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

1 This word was substituted for the words “District Superintendent” by Mah. 46 of 1962, s. 3, *Sch*. 2 This words was substituted for the words “District Superintendent” by Mah. 46 of 1962, s. 3, Sch. 3 This words was substituted for the words “District Superintendent” by Mah. 46 of 1962, s. 3, Sch. 4 Clause (*ea*) was inserted by Bom. 28 of 1954, s. 8.

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

37. Power to prohibit certain acts for prevention of disorder.— (*1*) The Commissioner and the District Magistrate in areas under their henever 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, cudgels, swords, spears, bludgeons, guns, knives, sticks or lathis, or any other article, which is capable of being used for causing physical violence,

(*b*) the carrying of any corrosive substance or explosives,

(*c*) the carrying, collection and preparation of stones or other missiles or instruments or means of casting or impelling missiles,

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

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

(*f*) delivery of harangues, the use of gestures of mimetic representations, and the preparation, exhibition or dissemination of pictures, symbols, placards 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 corrosive substance or explosive or missile in contravention of such prohibition, he shall be liable to be disarmed or the corrosive substance or explosive or missile shall be liable to be seized from him by any Police officer, and the article, corrosive substance, explosive or missile so seized shall be forfeited to the State Government.

(*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 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.

38. Power to prohibit, etc., continuance of music, sound or noise.— (*1*) If the Commissioner or [1][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 persons for preventing, prohibiting, 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 [2][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.

1 This words was substituted for the words "District Superintendent" by Mah. 46 of 1962, s. 3, Sch. 2
These words were substituted for the words "producing sound" by Bom. 28 of 1954, s. 9.

(*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.

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 [1][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 thereto 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 hereby 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 to 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*) the decision of the Chief Presidency Magistrate or the District Magistrate, as the case may be, shall be conclusive as to the amount (if any) to be paid, and as to the person to whom it is to be paid.

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 to 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 judgement, 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 person 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 or 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 of highest rank superior 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 proceedings and the maintenance of the public safety at such place of amusement or such assembly or meeting, as he thinks necessary and all persons shall be bound to conform to every such reasonable direction.

1 This words was substituted for the words “District Superintendent” by Mah. 46 of 1962, s. 3, Sch.

(*2*) **Police to have free access thereto.—** The Police shall have free access to every such place to 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 Mah. 28 of 1964, s. 8.*

43. District 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 charges, 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 outbreak of any epidemic disease, he may take such special measures and may by public notice prescribe such regulations to be observed by 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 or the Chief Presidency Magistrate 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 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.

44. Destruction of stray dogs.— (*1*) The Commissioner and the [1][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 any 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 rabid, 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 owners 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 provisions 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 [2]Code of Criminal Procedure, 1898 (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 refuses 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 :

1 This word was substituted for the words "District Superintendent" by Mah. 46 of 1962, s. 3, Sch. 2
Now see the Code of Criminal Procedure, 1973 (2 of 1974).

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 Panjrapol within such time as the Veterinary Practitioner considers reasonable, the Veterinary Practitioner shall allow the 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 fails 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 [1][Superintendent] subject to the control of District Magistrate and Commissioner and by District Magistrates subject to the control of State Government.— Every power conferred by this Chapter on a [2][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 [3][the Revenue Commissioner or 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 [4][Superintendent] specially empowered in that behalf, shall be subject to the provisions of section 17.

CHAPTER V

SPECIAL MEASURES FOR MAINTENANCE OF PUBLIC ORDER AND SAFETY OF STATE

I. Employment of Additional Police, recovery of cost thereof and of riots compensation—its assessment and recovery.

47. Employment of additional Police on application of a person.— (*1*) The Commissioner or [5][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

1 This word was substituted for words “District Superintendent” by Mah. 46 of 1962, s. 3, Sch. 2
This word was substituted for words “District Superintendent” by Mah. 46 of 1962, s. 3, Sch.

3 These words were substituted for the words “the Commissioner” by Mah. 2 of 1960, s. 4. 4
This word was substituted for words “District Superintendent” by Mah. 46 of 1962, s. 3, Sch. 5
This word was substituted for words “District Superintendent” by Mah. 46 of 1962, s. 3, Sch.

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 sections 47 and 48.— In case of any dispute under section 47 or 48 the decision of the Chief Presidency Magistrate, in [1][Brihan Mumbai], and the District Magistrate, in the district, 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 the Chief Presidency Magistrate or 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.

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 of 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 called "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-sections.

(*2*) The decision of the State Government under clauses (*a*) and (*b*) 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 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 sections.

1 These words were substituted for the words "Greater Bombay" by Mah. 27 of 2023, s. 5.

(*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 "inhabitants" when used with reference to any area includes person 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][(*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.]

(*2*) The decision of the [2][District Magistrate] under clauses (*a*) and (*b*) of sub-section (*1*) shall be final.

(*3*) On the [3][issue of an order under sub-section (*1*), the District magistrate], 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*) The [4][District Magistrate] may require,—

(*a*) in any disturbance area which is within the limits of a Corporation, the Municipal Commissioner [5][or any other authority authorised by the collector] ;

(*b*) in any disturbance area which is within the limits of a municipality, the municipality [6][or any other authority authorised by the collector], and

(*c*) in any disturbance area which is outside the area specified in clauses (*a*) and (*b*), [7][or any other authority authorised by the collector] ;

1 Sub-section (*1*) was substituted by Mah. 2 of 2009, s. 2 (*a*).

2 These words were substituted for the words "State Government" by Mah. 2 of 2009, s. 2 (*b*).

3 These words, brackets and figure were substituted for the words "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" by Mah. 2 of 2009, s. 2 (*c*).

4 These words were substituted for the words "Chief Presidency Magistrate or the District Magistrate, as the case may be," by Mah. 2 of 2009, s. 2 (*d*)(*i*).

5 These words were substituted for the words ", the Collector or any other authority," by Mah. 2 of 2009, s. 2 (*d*)(*ii*).
6 These words were substituted for the words ", the Collector or any other authority," by Mah. 2 of 2009, s. 2 (*d*)(*ii*).
7 These words were substituted for the words "the Collector or any other authority" by Mah. 2 of 2009, s. 2 (*d*)(*iii*).

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 costs"), generally from all persons who were inhabitants of the disturbance area 1[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] the District Magistrate may direct.

2[(*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.]

(*5*) (*i*) The 3[District Magistrate], may require the Municipal Commissioner or the Municipality concerned to recover the compensation amount and 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 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 additions as if it were part of the general or property tax levied under the relevant Municipal Act. Such addition shall be a charge along with the general or property tax on the properties in the area aforesaid.

(*ii*) The 4[District Magistrate], may also require the Municipal Commissioner or the Municipality concerned to recover the compensation amount and the municipal recovery cost from each person liable therefor under sub-section (*4*) in such a 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 recoverably 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 amount of the municipal recovery cost shall be deducted therefrom and the amount not exceeding the compensation amount determined by the 5[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 6[District Magistrate], every three months.

(*9*) It shall be lawful for the 7[District Magistrate], by order to exempt any persons from liability to pay any portion of the compensation amount.

1 These words were substituted 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" by Mah. 2 of 2009, s. 2 (*d*)(*iv*).
2 Sub-section (*4A*) was inserted by Mah. 2 of 2009,s. 2 (*e*).
3 These words were substituted for the words "Chief Presidency Magistrate or the District Magistrate, as the case may be,", by Mah. 2 of 2009, s. 2 (*f*)(*i*).
4 These words were substituted for the words "Chief Presidency Magistrate or the District Magistrate, as the case may be,", by Mah. 2 of 2009, s. 2 (*f*)(*ii*).

5 These words were substituted for the words "Chief Presidency Magistrate or the District Magistrate, as the case may be," by Mah. 2 of 2009, s. 2 (*g*).

6 These words were substituted for the words "Chief Presidency Magistrate or the District Magistrate, as the case may be," by Mah. 2 of 2009, s. 2 (*g*).

7 These words were substituted for the words "Chief Presidency Magistrate or the District Magistrate, as the case may be," by Mah. 2 of 2009, s. 2 (*h*).

(*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 date of the order of the 1[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.

2[(*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.]

52. 3[District Magistrate] to award or apportion compensation.— (*1*) It shall be lawful for the 4[District Magistrate] to award or apportion all or any moneys recovered as compensation amount under sub-sections (*3*) to (*8*) of section 51 to any person or among all or any persons whom he considers entitled to compensation in respect of the loss or damage or death or grievous hurt aforesaid.

(*2*) No compensation shall be awarded under this section except upon a claim made within 45 days from the date of 5[the order issued by the District Magistrate], under sub-section (*1*) of section 51 and unless the 6[District Magistrate] is satisfied that the person claiming compensation or where such claim is made in respect of the death of any person, that person also has himself been free from blame in connection with the occurrences which led to the loss, damage, death or grievous hurt as aforesaid.

(*3*) The compensation payable to any person under section 51 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 the 7[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.

53. 8[District Magistrate] to discharge functions under orders of State Government.— The 9[District Magistrate], shall discharge his functions under sections 51 and 52 subject to any general or special orders of the State Government in this behalf.

54. Proportionate 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), 10[or any law corresponding thereto in force in any area of the 11[State of Maharashtra,]] where under the provisions of section 50 or 51, the

1 These words were substituted for the words "Chief Presidency Magistrate or the District Magistrate, as the case may be," by Mah. 2 of 2009, s. 2 (*i*).

2 Sub-section (*11*) was added, by Mah. 2 of 2009, s. 2 (*j*).

3 These words were substituted for the words "Chief Presidency Magistrate or District Magistrate" by Mah. 2 of 2009, s. 3 (*d*).

4 These words were substituted for the words "Chief Presidency Magistrate or the District Magistrate, as the case may be, with the previous sanction of the Revenue Commissioner" by Mah. 2 of 2009, s. 3 (*a*).

5 These words were substituted for the words "the notification issued by the State Government" by Mah. 2 of 2009, s. 3 (*b*)(*i*).

6 These words were substituted for the words "Chief Presidency Magistrate or the District Magistrate, as the case may be," by Mah. 2 of 2009, s. 3 (*b*)(*ii*).

7 These words were substituted for the words "Chief Presidency Magistrate or the District Magistrate, as the case may be," by Mah. 2 of 2009, s. 3 (*c*).

8 These words were substituted for the words "Chief Presidency Magistrate or the District Magistrate," by Mah. 2 of 2009, s. 4 (*ii*).

9 These words were substituted for the words "Chief Presidency Magistrate or District Magistrate, as the case may be," by Mah. 2 of 2009, s. 4 (*i*).

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

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

Municipal Commissioner, the Municipality or the Collector, as the case may be, is required to 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 in sub-section (*1*) and to be recovered from a tenant 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 tenant in not less than four equal instalments.

(*3*) The provisions of sub-section (*1*) in so far as they relate to the recovery of the riot tax from the tenant shall not apply to 1[Brihan Mumbai] during the period during which section 10-B of the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947 (Bom. LVII of 1947), is in force in the said area.

II. Dispersal of Gangs and Removal of Persons convicted of certain offences 2[and of certain beggar].

55. Dispersal of gangs and bodies of persons.— Whenever it shall appear in 3[Brihan Mumbai] and in other areas in which Commissioner is appointed under section 7 to the Commissioner and in a district to the District Magistrate, the Sub-Divisional Magistrate or the 4[Superintendent] 5[* * *] 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 of 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 his jurisdiction 6[or such area and any district or districts, or any part thereof, contiguous thereto] within such time as such officer shall prescribe, and not to enter to area 7[or the areas and such contiguous districts, or part thereof, as the case may be,] or return to the place from which each of them was directed to remove himself.

56. Removal of persons about to commit offence.—8[(*1*)] Whenever it shall appear in 9[Brihan Mumbai] and other areas for which a Commissioner has been appointed under section 7 to the Commissioner and in other area or areas to which the State Government may, by notification in the *Official Gazette*, extend the provisions of this section, to the District Magistrate, or the Sub-Divisional Magistrate specially 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 (XLV of 1860), or in the abatement of 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 the of their person or property, or

1 These words were substituted for the words "Greater Bombay" by Mah. 27 of 2023, s. 5.

2 These words were added by Mah. 15 of 1976, s. 4, Sch.

3 These words were substituted for the words "Greater Bombay" by Mah. 27 of 2023, s. 5.

4 These words were substituted for the words "District Superintendent" by Mah. 46 of 1962, s. 3, Sch. 5 The word "specially" was deleted and shall be deemed always to have been deleted, by Mah. 3 of 1995, s. 3. 6 These words were inserted by Bom. 1 of 1956, s. 3 (*1*).

7 These words were inserted by Bom. 1 of 1956, s. 3 (*2*).

8 Section 56 was re-numbered as sub-section (*1*) of that section by Mah. 33 of 1981, s. 2 (*1*).

9 These words were substituted for the words "Greater Bombay" by Mah. 27 of 2023, s. 5.

1[(*bb*) that there are reasonable grounds for believing that such person is acting or is about to act (*1*) in any manner prejudicial to the maintenance of public order as defined in the Maharashtra Prevention of Communal, Antisocial and other Dangerous Activities Act, 1980 (Mah. VII of 1981) or (*2*) in any manner prejudicial to the maintenance or supplies of commodities essential to the community as defined in the Explanation to sub-section (*1*) of section 3 of the Prevention of Blackmarketing and Maintenance of Supplies of Essential Commodities Act, 1980 (7 of 1980), or (*3*) that an outbreak of epidemic disease is likely to result from the continued residence of an immigrant, the said office may, by an order in writing duly served on 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 2[or such prejudicial act], or the outbreak or spread of such disease or 3[notwithstanding anything contained in this Act or any other law for the time being in force, to remove himself outside such area or areas in the State of Maharashtra (whether within the local limits of the jurisdiction of the officer or not and whether contiguous or not), by such route, and within such time, as the officer may specify and not to enter or return to the area or areas specified (hereinafter referred to as "the specified area or areas") from which he was directed to remove himself.]

4[(*2*) An officer directing any person under sub-section (*1*) to remove himself from any specified area or areas in the State may further direct such person that during the period the order made against him is in force, as and when he resides in any other areas in the State, he shall report his place of residence to the officer-in-charge of the nearest police station once in every month, even if there be no change in his address. The said officer may also direct that, during the said period, as and when he goes away from the State, he shall, within ten days from the date of his departure from the State send a report in writing to the said officer, either by post or otherwise, of the date of his departure, and as and when he comes back to the State he shall, within ten days, from the date of his arrival in the State, report the date of his arrival to the officer-in-charge of the police station nearest to the place where he may be staying.]

5**[57. Removal of persons convicted of certain offences.—**6[(*1*)] If a person has been convicted—

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

(*ii*) of any offence under section 65, 66A or 68 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), or

(*iii*) of an offence under section 3, 4, 5, 6 or 9 of the Suppression of Immoral Traffic in Women and Girls Act, 1956 (CIV of 1956), or

(*iv*) of an offence under section 135 of the Customs Act, 1962 (52 of 1962), or

(*v*) of an offence under section 4, or for accepting bet in any public street or thoroughfare or in any place to which the public have or are permitted to have access, or in any race course under clause (*a*) of section 12 or under section 12A of the Bombay Prevention of Gambling Act, 1887 (Bom. IV of 1887), or

(*b*) twice or more of an offence under the Bombay Prohibition Act, 1949 (Bom. XXV of 1949) not being an offence under section 65, 66A or 68, or

7[(*b-a*) twice or more of an offence under section 3 or 4 of the Railway Property (Unlawful Possession) Act, 1966 (29 of 1966), or]

(*c*) thrice or more of an offence under section 122 or 124 of this Act, the Commissioner, the District Magistrate, or the Sub-Divisional Magistrate specially empowered by the State

1 This portion was inserted by Mah. 7 of 1981, s. 17 (*a*).

2 These words were inserted by Mah. 7 of 1981, s. 17 (*b*).

3 This portion was substituted for the portion beginning with the words "to remove himself outside the area" and ending with the words "directed to remove himself" by Mah. 33 of 1981, s. 2 (*1*).

4 Sub-section (*2*) was added by Mah. 33 of 1981, s. 2 (*2*).

5 Section 57 was substituted by Mah. 29 of 1970, s. 2 and was renumbered as sub-section (*1*) of that section by Mah. 33 of 1981, s. 3 (*1*).

6 Section 57 was substituted by Mah. 29 of 1970, s. 2 and was renumbered as sub-section (*1*) of that section by Mah. 33 of 1981, s. 3 (*1*).

7 Clause (*b-a*) was inserted by Mah. 33 of 1981, s. 3 (*i*)(*a*).

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 [1][notwithstanding anything contained in this Act or any other law for the time being in force, to remove himself outside such area or areas in the State of Maharashtra (whether within the local limits of the jurisdiction of the officer or not and whether contiguous or not), by such route, and within such time, as the officer may specify and not to enter or return to the area or areas so specified (hereinafter referred to as "the specified area or areas") from which he was directed to remove himself.]

[2][(*2*) An officer directing any person under sub-section (*1*) to remove himself from any specified area or areas in the State may further direct such person that, during the period the order made against him is in force, as and when he resides in any other areas in the State, he shall report his place of residence to the officer-in-charge of the nearest police station once in every month, even if there be no change in his address. The said officer may also direct that, during the said period, as and when he goes away from the State, he shall, within ten days from the date of his departure from the State, send a report in writing to the said officer either by post or otherwise, of the date of his departure, and as and when he comes back to the State, he shall, within ten days from the date of his arrival in the State report the date of his arrival to the officer-in-charge of the police station nearest to the place where he may be staying.]

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*) (*i*) an offence falling under any of the Chapters of the Indian Penal Code (XLV of 1860), and

(*ii*) in the case of a person convicted of an offence mentioned in clause (*a*) (excluding sub-clause (*1*) thereof), (*b*) and (*c*), an offence falling under the provisions of the Acts mentioned respectively in the said clauses.]

[3]**[57A. Removal of certain persons declared to be beggars.—** In area in which the Bombay Prevention of Begging Act, 1959 (Bom. X of 1960) is in force, the Commissioner or the District Magistrate having jurisdiction in that area, on receipt of a copy of the order of the Court made under clause (*b*) of sub-section (*5*) of section 5 of that Act, shall examine the person who has been directed to appear before him, and if the Commissioner or the District Magistrate is satisfied that such person is not likely to engage himself in the said area in any lawful profession, trade, calling or employment, such officer may by order in writing duly served on such person direct such person to remove himself outside the area or areas where the said Act is in force within such time as may be specified in the order and not to enter or return to the area or areas, as the case may be, from which he was directed to remove himself :

Provided that, before serving such order on any person, the Commissioner or as the case may be, the District Magistrate shall, in consultation with the State Government or in accordance with any general or special order issued by the State Government for this purpose, offer to such person the option of accepting an employment in any undertaking, public works, or otherwise on such terms and conditions as may be

specified by him in this behalf. Where such option is accepted, the fact of such acceptance shall be recorded in the externment order :

Provided further that, where the Commissioner or the District Magistrate is satisfied that such person is unfit for any work he shall refer the case of such person to the Court, with a request that the Court may order such person to be detained in a Certified Institution, as provided is clause (*c*) of sub-section (*5*) of section 5 of the Bombay Prevention of Begging Act, 1959 (Bom. X of 1960)].

1 This was substituted for the portion beginning with the words "to remove himself outside the area" and ending with the words "directed to remove himself," by Mah. 33 of 1981, 3 (*i*) (*b*).

2 Sub-section (*2*) was added by Mah. 33 of 1981, s. 3 (*2*).

3 Section 57A was inserted by Mah. 15 of 1976, s. 3.

58. Period of operation of orders under section 55, 1[56, 57 and 57A].— A direction made under section 55, 2[56, 57 or 57A] not to enter any particular area 3[or such area and any district or districts, or any part thereof, contiguous thereto, 4[or any specified area or areas] 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 5[from the date on which the person removes himself or is removed from the area, district or districts or part aforesaid] 6[or from the specified area or areas, as the case may be].

59. Hearing to be given before order under sections 55, 7[56, 57 or 57A] is passed.—(*1*) Before an order under section 55, 8[56, 57 or 57A] is passed against any person the officer acting under any of the said sections or any officer above the rank of an Inspector authorised by that officer 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 witness 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, 9[56, 57 or 57A] 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 the inquiry and thereupon such order as was proposed to be passed against him may be passed.

60. Appeal.—10[(*1*)] Any person aggrieved by an order made under section 55, 11[56, 57 or 57A] may appeal to the State Government 12[or to such other officer as the State Government may by order specify (hereinafter referred to as "the specified officer"),] within thirty days from the date of such order.

13[(*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 of a certified copy thereof.

(*3*) On receipt of such appeal the State Government 14[or the specified order] 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, 15[or remand the case for disposal with such directions as it or he thinks fit, and make its or his order] accordingly :

Provided that, the order appealed against shall remain in force pending the disposal of the appeal, unless the State Government 16[or the specified officer] otherwise directs.

1 These figures, word and Letters were substituted for the figures and word "56 or 57" by Mah. 15 of 1976, s. 4, Sch. 2 These figures, word and Letters were substituted for the figures and word "56 or 57" by Mah. 15 of 1976, s. 4, Sch. 3 These words were inserted by Bom. 1 of 195

4 These words were inserted by Mah. 33 of 1981, s. 4 (*a*).
5 These words were substituted for the words "from the date on which it was made" by Mah. 29 of 1970, s. 3. 6 These words were inserted by Mah. 33 of 1981, s. 4 (*b*).
7 These figures, word and letters were substituted for the figures and word "56 or 57" by Mah. 15 of 1976, s. 4, Sch. 8 These figures, word and letters were substituted for the figures and word "56 or 57" by Mah. 15 of 1976, s. 4, Sch. 9 These figures, word and letters were substituted for the figures and word "56 or 57" by Mah. 15 of 1976, s. 4, Sch. 10 This section was renumbered as sub-section (*1*) by Bom. 34 of 1959, s. 20.
11 These figures, word and letters were substituted for the figures and word "56 or 57" by Mah. 15 of 1976, s. 4, Sch. 12 These words and brackets were inserted by Mah. 3 of 1995, s. 5 (*a*).
13 Sub-sections (*2*), (*3*) and (*4*) were added by Bom. 34 of 1959, s. 20.
14 These words were inserted by Mah. 3 of 1995, s. 5 (*b*).
15 These words were substituted for the words "and make its order" by Mah. 3 of 1995, s. 5 (*b*).
16 These words were inserted by Mah. 3 of 1995, s. 5 (*b*).

1[*Explanation*.— For the purposes of this sub-section the power to vary the order appealed against shall include, and shall be deemed always to have included, the power to hold such order in abeyance and to make conditional order permitting the person to enter or return to the area or such areas and any contiguous districts or part thereof, or to the specified area or areas, as the case may be, from which he was directed to remove himself.]

(*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.]

61. Finality of order passed by State Government in certain cases.— Any order passed under section 55, 2[56, 57 or 57A] or by the State Government under section 60 shall 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 thereinafter removal.— 3[(*1*)] If a person to whom a direction has been issued under section 55, 4[56, 57 or 57A] to remove himself from 5[any area, district or part thereof or from any specified area—]

(*i*) fails to remove himself as directed,

or

(*ii*) having so removed himself except with the permission in writing of the authority making the order 6[as provided in sub-section (*2*)], 7[enters the areas, district or part thereof or the specified 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 8[outside the area, district or part thereof or outside the specified area, and as the case may be], as the said authority may in each case prescribe.

9[(*2*) The authority making an order under section 55, 10[56, 57 or 57A] may in writing permit any person in respect of whom such order has been made to enter or return to the area, including any contiguous districts or part thereof 11[or to the specified area or areas,] from which he was directed to remove himself for such temporary period and subject to such conditions as may be specified in such permission and may require him to enter into a bond with or without surety for the due observance of the conditions imposed. The authority aforesaid may at any, time revoke any such permission. Any person who with such permission enters or returns 12[to such area, district or part thereof or to such specified area] shall observe the conditions imposed, and at the expiry of the temporary period for which he was permitted to enter or return, or on the earlier revocation of such permission shall remove himself outside such area, or the area and any contiguous districts or part thereof, 13[or outside such specified area or areas,] and shall not enter therein or return thereto within the unexpired residue of the period specified in the original order made under section 55, 14[56, 57 or 57A] without a fresh permission. If such person

fails to observe any of the conditions imposed, or to remove himself accordingly, or having so removed

1 This *Explanation* was added, and shall be deemed always to have been added by Mah. 3 of 1995, s. 5 (*b*).

2 These figures, word and letter were substituted for the figures and word "56 or 57" by Mah. 15 of 1976, s. 4, Sch.

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

4 These figures, word and letter were substituted for the figures and word "56 or 57" by Mah. 15 of 1976, s. 4, Sch.

5 These words were substituted for the words "an area" by Mah. 33 of 1981, s. 5 (*a*)(*i*).

6 These words, brackets and figure were inserted by Bom. 37 of 1959, s. 3.

7 These words were substituted for the words "enters the area" by Mah. 33 of 1981, s. 5 (*a*)(*ii*).

8 These words were substituted for the words "outside the area" by Mah. 33 of 1981, s. 5 (*a*)(*ii*).

9 Sub-section (*2*) was added by Bom. 37 of 1959, s. 3 (*2*).

10 These figures, word and letter were substituted for the figures and word "56 or 57" by Mah. 15 of 1976, s. 4, Sch.

11 These words were inserted by Mah. 33 of 1981, s. 5 (*b*)(*i*).

12 These words were substituted for the words "such area" by Mah. 33 of 1981, s. 5 (*b*)(*ii*).

13 These words were inserted by Mah. 33 of 1981, s. 5 (*b*)(*iii*).

14 These figures, word and letter were substituted for the figures and word "56 or 57" by Mah.15 of 1976, s. 4, Sch.

himself enters or returns to the area, or the area and any contiguous district or parts thereof [1][or to the specified area or areas], without fresh permission, the authority concerned may cause him to be arrested and removed in police custody to such place [2][outside the area and district or part thereof or outside the specified area or areas, as the case may be,] as that authority may in each case prescribe].

63. Temporary permission to enter or return to the area from which a person was directed to remove himself.— (*1*) The State Government [3][or any officer specially empowered by the State Government in that behalf] may, by order, permit any person in respect of whom an order has been made under section 55, [4][56, 57 or 57A], to enter or return for a temporary period to [5][the area or such areas] and any contiguous districts or part thereof, [6][or to the specified area or areas,] as the case may be, from which he was directed to remove himself, subject to such conditions as it [7][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 [8][the area or such areas] and any contiguous districts or part thereof, [9][or to the specific area or areas], as the case may be from which he was directed to remove himself, the State Government [10][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 [11][the area or such areas] and any contiguous districts or part thereof, [12][or to the specified area or areas,] as the case may be, from which he was directed to remove himself shall surrender himself at the time and place and to the authority specified in the order or in the order revoking the said order, as the case may be.

[13]**[63AA. Powers of externment of State Government and officers specially empowered.—** (*1*) The State Government or any officer specially empowered by the State Government in that behalf, may, in like circumstances and in like manner exercise the powers exercisable, [14][in any areas for which a Commissioner is appointed] by the Commissioner, and in a district by the District Magistrate, sub-Divisional Magistrate or [15][Superintendent] [16][* * *] empowered by the State Government in that behalf, as the case may be, under section 55, [17][56, 57 and 57A], with this modification that [18][under sections 55 and 57A] it shall, be lawful for the State Government or the officer specially empowered to direct the members of [19][the gang or body, or person] [20][or persons declared to be beggars], as the case may be, to remove themselves from, and not to enter or return to, any local area, or any such areas and any districts or part thereof, whether contiguous thereto or not.

(*2*) The provisions of sections 58, 59, 60, 61, 62 and 63 shall *mutatis mutandis* apply to the exercise of any powers under this section as they apply to exercise of any powers under section 55, [21][56, 57 or 57A].

1 These words were inserted by Mah. 33 of 1981, s. 5 (*b*)(*iv*).

2 These words were substituted for the words "outside the area" by Mah. 33 of 1981, s. 5 (*b*)(*v*).

3 These words were inserted by Bom. 34 of 1959, s. 21 (*1*)(*a*).

4 These figures, word and letter were substituted for the figures and word "56 or 57" by Mah.15 of 1976, s. 4, Sch. 5 These words were inserted by Bom. 1 of 1956, s. 7.

6 These words were inserted by Mah. 33 of 19

7 These words were inserted by Bom. 34 of 1959, s. 21 (*1*)(*b*).
8 These words were inserted by Bom. 1 of 1956, s. 7.
9 These words were inserted by Mah. 33 of 1981, s. 6 (*b*).
10 These words were inserted by Bom. 34 of 1959, s. 21 (*2*).
11 These words were inserted by Bom. 1 of 1956, s. 7.
12 These words were inserted by Mah. 33 of 1981, s. 6 (*c*).
13 Section 63AA was inserted by Bom. 1 of 1956, s. 8.
14 These words were substituted for the words "in Greater Bombay" by Bom. 56 of 1959, s. 3, Sch.
15 This word was substituted for the words "District Superintendent" by Mah. 46 of 1962, s. 3, Sch.
16 The word "specially" was deleted and shall be deemed always to have been deleted by Mah. 3 of 1995, s. 7.
17 These figures, word and letter were substituted for the figures and word "56 or 57" by Mah. 15 of 1976, s. 4, Sch. 18 These words, figures and letter were inserted by Mah. 33 of 1981, s. 7 (*a*).
19 These words were substituted for the words "such gang or body, or persons or immigrants or persons convicted" by Mah. 33 of 1981, s.7 (*b*).
20 These words were inserted by Mah. 15 of 1976, s. 4, Sch.
21 These figures, word and letter were substituted for the figures and word "56 or 57" by Mah. 15 of 1976, s. 4, Sch.

1[III. Control of camps, etc., and Uniforms.

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 or restrict through the 2[State of Maharashtra] 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 exercise, movements or evolution 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 whom 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*), a 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.]

3[IV. Village Defence Parties.

63B. Constitution of Village defence parties.— (*1*) For the protection of persons, the security of property and the public safety in villages, the 4[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 5[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 this village.

(*3*) The 6[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 party the 7[Superintendent] shall appoint a person eligible under sub-section (*2*) to be an honorary commandant called the Kotwal.

(*5*) For the direction and supervisio in a taluka, the 8[Superintendent]

may appoint a police officer, not below the rank of Head Constable, to be a Taluka Village Defence Officer, and any person who is willing to serve and in the opinion of the [9][Superintendent] is fit to be a Joint Taluka Defence Officer.

(*6*) For the direction and supervision of village defence parties in a district, the [10][Superintendent] may appoint a police officer, not below the rank of Sub-Inspector to be a district Village Defence Officer,

1 This heading and section 63A were inserted by Bom. 20 of 1953, s. 7.

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

3 This heading and section 63B were inserted by Bom. 1 of 1956, s. 9.

4 This word was substituted for the words "District Superintendent" by Mah. 46 of 1962, s. 3, Sch.

5 This word was substituted for the words "District Superintendent" by Mah. 46 of 1962, s. 3, Sch.

6 This word was substituted for the words "District Superintendent" by Mah. 46 of 1962, s. 3, Sch.

7 This word was substituted for the words "District Superintendent" by Mah. 46 of 1962, s. 3, Sch.

8 This word was substituted for the words "District Superintendent" by Mah. 46 of 1962, s. 3, Sch.

9 This word was substituted for the words "District Superintendent" by Mah. 46 of 1962, s. 3, Sch.

10 This word was substituted for the words "District Superintendent" by Mah. 46 of 1962, s. 3, Sch.

and any person who is willing to serve and in the opinion of the [1][Superintendent] is fit, to be a Joint District Village Defence Officer.

(*7*) Members of village defence parties and officers, appointed under this section shall be under the direction and control of the [2][Superintendent] and shall receive such training, and discharge such duties, as may be determined by the [3][Superintendent].

(*8*) Members of village defence parties and officer (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 [4][Superintendent].

(*9*) The [5][Superintendent] or any officers appointed under this section may at any time call out officers subordinate to them, or any members 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 protection as a police officer appointed under this Act.

(*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 a member of—

(*a*) the [6][Maharashtra] Legislative Assembly or the [7][Maharashtra] Legislative Council, or

(*b*) any local authority,

by a reason only of the fact that he is a member of a village defence party or such officer.]

the powers, duties and functions of [9][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 [10]Bombay Home Guards Act, 1947 (Bom. III of 1947) may direct, and thereupon all the forgoing provisions of this section shall apply but, references therein to the [11][Superintendent], District Village Defence Officer and Taluka Village Defence Officer shall be deemed to be references to the relevant officers of the Home Guards].

CHAPTER VI

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;

1 This word was substituted for the words "District Superintendent" by Mah. 46 of 1962, s. 3, Sch.
2 This word was substituted for the words "District Superintendent" by Mah. 46 of 1962, s. 3, Sch.
3 This word was substituted for the words "District Superintendent" by Mah. 46 of 1962, s. 3, Sch.
4 This word was substituted for the words "District Superintendent" by Mah. 46 of 1962, s. 3, Sch.
5 This word was substituted for the words "District Superintendent" by Mah. 46 of 1962, s. 3, Sch.
6 This word was substituted for the word "Bombay" by Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.
7 This word was substituted for the word "Bombay" by Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.
8 Sub-section (*12*) was inserted by Bom. 34 of 1959, s. 23.
9 This word was substituted for the words "District Superintendent" by Mah. 46 of 1962, s. 3, Sch.
10 The short title of this Act was amended as "the Maharashtra Home Guards Act" by Mah. 24 of 2012, sch, entry 24, *w.e.f.* 1-5-1960.
11 This word was substituted for the words "District Superintendent" by Mah. 46 of 1962, s. 3, Sch.

(*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 superior 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 orders 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 public 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 [1]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 helpless persons in the street, and to take charge of intoxicated persons and of lunatics at large who appear 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 a 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 all other places of public resort and in the neighbourhood of places of public worship during the time of public worship ;

1 Now see Code of criminal procedure, 1973 (2 of 1974).

(*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 at any such place or on any such boat.

68. Persons bound to conform to reasonable orders of Police.— All persons shall be bound to conform to the reasonable directions of a Police officer given in fulfilment of any 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 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 made under section 38 or 39, it shall be lawful for any Magistrate in a District or Police Officer to require any person acting or about to act 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 may also seize any object or thing used or about to be used in contravention of such notification, or order as aforesaid, and the thing 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, 57A or 63AA] are carried out.— It shall be the duty of the Police to see that every regulation and direction made by any authority under section 43, 55, 56, 2[57, 57A 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 been concerned in an offence punishable under section 121 or against whom reasonable complaint has been made or credible information has been received or a reasonable suspicion exists, of his having been concerned in such offence ;

(*2*) any person who contravenes a rule or order under clause (*x*) of sub-section (*1*) of section 33 or an order or notification under section 36, 37, 56, 3[57, 57A or 63AA];

4[(*2A*) any person who contravenes any order made under sub-section (*1*) of section 63A ;]

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

73. When Police may arrest without a warrant.— Any Police officer may, without an order from a Magistrate and without a warrant, arr n his presence any offence punishable

under [5][clause (*a*), (*b*), (*c*), (*d*), (*e*), (*f*), (*g*), (*h*), (*i*), (*j*), (*k*), or (*m*) of sub-section (*1*) of section 11 of the Prevention of Cruelty to Animals Act, 1960 (59 of 1960)].

73A. [*Extension of section 6B of Act XI of 1890 as in force in pre-Reorganisation State to rest of the State for the purposes of sections 74 to 77*]. *Deleted by Mah. 24 of 1964, s. 3.*

1 These figures, letters and word were substituted for the figures, word and letter "57 or 63AA" by Mah. 15 of 1976, s. 4, sch.

2 These figures, letters and word were substituted for the figures, word and letter "57 or 63AA" by Mah. 15 of 1976, s. 4, sch.

3 These figures, letters and word were substituted for the figures, word and letter "57 or 63AA" by Mah. 15 of 1976, s. 4, Sch.

4 Clause (*2A*) was inserted by Bom. 20 of 1953, s. 8.

5 This portion was substituted for the portion "section 3, 3A, 4, 5, 6 or 6C of the Prevention of Cruelty to Animals Act, 1890 or under section 3, 4 or 5A of the Prevention of Cruelty to Animals Act," by Mah. 24 of 1964, s. 2.

74. Powers with regard to offences under [1][Act LIX of 1960].— When in respect of an animal an offence under [2][sub-section (*1*) of section 11 or section12 of the Prevention of Cruelty to Animals Act, 1960 (59 of 1960) (hereinafter in this section and in sections 75 and 77 referred to as 'the said Act')] has been committed, of when there is reasonable ground for suspecting that such offence has been committed, a Police officer may—

(*a*) 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 State Government in this behalf, or

(*c*) take the animal to an infirmary appointed under [3][section 35] of the said Act for treatment and detention, pending direction of a Magistrate under [4][* * * * *] the said section, or

(*d*) When the animals is in such a physical condition that it cannot be taken to a veterinary officer or a Magistrate, draw up a report of the condition of the animal in the presence of two or more respectable persons describing such wounds, sores, fractures, bruises or other marks 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.

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 [5][section 35] of the said Act or may make such order as he thinks fit regarding the disposal or custody and production of the animal.

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 [6][Act LIX of 1960].— 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 [7][section 35] of the said Act, shall so far as may be, apply.

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

1 These words and figures were substituted for the words and figures "Act XI of 1890 or corresponding laws," by Mah. 24 of 1964, s. 4 (*c*).

2 This portion was substituted for the portion "section 3 or section 5 or section 6 of the Prevention of Cruelty to Animals Act, 1890 or under section 3 or 4 or 5 of the Prevention of Cruelty to Animals Act" by Mah. 24 of 1964, s. 4 (*a*).

3 This word and figures were substituted for the words and figures "sub-section (*1*) of section 6B" by Mah. 24 of 1964, s. 4 (*b*)(*i*).

4 The words and figures "sub-sections (*2*) and (*3*) of" were deleted by Mah. 24 of 1964, s. 4 (*b*)(*ii*).

5 This word and figures were substituted for the word, figures and letters "sub-sections (*2*) and (*3*) of section 6B" by Mah. 24 of 1964, s. 5.

6 This word and figures were substituted, by Mah. 24 of 1964, s. 6 (*b*).

7 This word and figures were substituted for the words and figures "sub-sections (*5*), (*6*) and (*7*) of section 6B" by Mah. 24 of 1964, s. 6 (*a*).

be so employed, he may require the person in charge of such animal to unsaddle or unload it 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.

1**[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*), (*iv*) 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 powers of arrest.— (*1*) Any Police officer specially employed in this 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 provisions 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 in 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*) 2[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.

83. Intestate property over four hundred rupees in value.— (*1*) 3[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 its 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*) 4[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 therefor 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 Ma

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), [5][or of that Act as in force in Kutch area of the State of Bombay, or under section 21 of the Saurashtra Village Police Ordinance, 1949 (Saur. Ord. XXXI of 1949),] appears to such Magistrate to have been left by a person who has 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

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

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

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

4 These words were substituted for the words, "In areas outside Greater Bombay" by Bom. 56 of 1959, s. 3, Sch. 5 These words and figures were inserted by Bom. 84 of 1959, s. 27.

with the District Judge with a view to its being dealt with under the provisions of section 10 of Bombay Regulation VIII of 1827 (Regulation to provide for the formal recognition of heirs, *etc*.) or other law in force.

85. Procedure in other cases.— (*1*) In any case not covered by section 83 or 84, the Commissioner [1][the Superintendent] 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 thereto appear before himself or some other officer whom he appoints in this behalf and establish his claim within [2][two months] from the date of such proclamation.

(*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 [3][two thousand and five hundred rupees], it may be forthwith sold by auction under the orders of the Commissioner [4][the Superintendent] 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.

86. Delivery of property to person entitled.— (*1*) The Commissioner [5][or, the Superintendent] 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 [6][or, the Superintendent] or the Magistrate concerned, as the case may be, may, at his discretion, before making any order under sub-section (*1*), take such security as he may think proper from the person to whom the said property is to be delivered, and nothing herein before 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 establishes his claim to such property within the period specified the proclamation it shall be at the disposal of the State Government, and the 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, [7][or, the Superintendent] or the Magistrate concerned, as the case may be.

88. Procedure not affected by Indian Succession Act or Administrator General's Act or Regulation VIII of 1827 [8][or corresponding law].— Nothing in the Indian Succession Act, 1925 (XXXIX of 1925) 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-section (*1*) of section 85, nor shall the provisions of section 10 of Regulation VIII of 1827, [9][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 (*1*) of section 85.

89. Police officer may take charge of stray cattle.—[10][In any areas outside the charge of a Commissioner] a Police officer may take charge of any animal falling under the provisions of the Cattle Trespass Act, 1871 (I of 1871), [11][[12] * * * * *] or, as the case may be, under the Hyderabad Cattle

1 These words were inserted by Mah. 40 of 20

2 These words were substituted for the words, "six months" by Mah. 40 of 2000, s. 10 (*a*)(*ii*).
3 These words were substituted for the words "five rupees" by Mah. 40 of 2000, s. 10 (*b*)(*i*).
4 These words were inserted by Mah. 40 of 2000, s.10 (*b*)(*ii*).
5 These words were inserted by Mah. 40 of 2000, s.11 (*a*) and (*b*).
6 These words were inserted by Mah. 40 of 2000, s.11 (*a*) and (*b*).
7 These words were inserted by Mah. 40 of 2000, s. 12.
8 These words were inserted by Bom. 34 of 1959, s. 28 (*2*).
9 These words were inserted by Bom. 34 of 1959, s. 28 (*1*).
10 These words were substituted for the words "in any area outside Greater Bombay" by Bom. 56 of 1959, s. 3, sch. 11 This portion was inserted by Bom. 34 of 1959, s. 29 (*1*).
12 The words "or of that Act as in force in the Saurashtra area of State of Bombay" were omitted by the Maharashtra Adaptation of laws (State and Concurrent Subjects) Order, 1960.

Trespass Act (Hyd. V of 1337 F),] which may be found straying in a street, and may take or send the same to the nearest pound, and the owner and other persons concerned shall thereon become subject to the provisions of the 1[relevant Act.]

90. Power to establish cattle-pounds and appoint pound-keepers.— (*1*) 2[In any area 3[(other than 4[Brihan Mumbai])] under the charge of a Commissioner], the Commissioner 5[* * *] 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, 6[* * *].

7**[90A. Penalty for allowing cattle to stray in to street or trespass upon private or public property.—** (*1*) whoever in 8[any area 9[(other than 10[Brihan Mumbai])] under the charge of a Commissioner] allows any cattle which are his property or in his charge to stray in any street or to trespass upon any private or public property shall, on conviction, be punished—

11[(*i*) for the first offence, with fine which may extend to three thousand rupees;]

(*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 12[five thousand 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 13[two thousand 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 to any such public pound for confinement therein, any cattle found straying in any street or trespassing upon any private or public property in 14[any area 15[(other than 16[Brihan Mumbai])] under the charge of a Commissioner] 17[* * *].

1 These words were substituted for the words "said Act" by Bom. 34 of 1959, s. 29 (*2*).
2 These words were substituted for the words "in Greater Bombay" by Bom. 56 of 1959, s. 3, Sch.
3 These brackets and words were inserted by Mah. 18 of 1974, ss. 5 and 6.
4 These words were substituted for the words "Greater Bombay" by Mah. 27 of 2023, s. 5.
extend the provisions of this section and sections 91, 92, 93 and 94 of this Act, any officer appointed in that behalf by the State Government" were deleted by Bom. 20 of 1953, s. 9.
6 The words "or such officer as aforesaid" were deleted by Bom. 20 of 1953, s. 9.
7 Section 90A was inserted, by Bom. 20 of 19

8 These words were substituted for the words “Greater Bombay” by Bom. 56 of 1959, s. 3, Sch.
9 These brackets and words were inserted by Mah. 18 of 1974, ss. 5 and 6.
10 These words were substituted for the words “Greater Bombay” by Mah. 27 of 2023, s. 5.
11 This clause was substituted by Mah. 11 of 2023, s. 2.
12 These words were substituted for the words “five hundred rupees” by Mah. 40 of 2000, s. 13 (*a*)(*ii*).
13 These words were substituted for the words “two hundred and fifty rupees” by Mah. 40 of 2000, s. 13 (*b*).
14 These words were substituted for the words “Greater Bombay” by Bom. 56 of 1959, s. 3, Sch.
15 These brackets and words were inserted by Mah. 18 of 1974, s. 7.
16 These words were substituted for the words “Greater Bombay” by Mah. 27 of 2023, s. 5.
17 The words “or in such areas as aforesaid” were deleted by Bom. 20 of 1953, s. 11.

92. Delivery of cattle claimed.— If the owner of the cattle impounded under section 91 or his agent appears and claims the cattle, the pound-keeper 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 forthwith sold by auction, and the surplus remaining after deducting the fee and expenses aforesaid from 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 in this behalf [1][* * *] that he was the owner of such animal, and shall in any other case, form part of the consolidated fund of the State.

(*2*) No Police officer or pound-keeper shall, directly or indirectly, purchase any 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 animal [2][* * *].

(*2*) The expenses chargeable shall be at such rates for each day during any part of which an animal is impounded, as shall from time to time be fixed by the Commissioner [3][* * *] in respect of such animal.

95. Powers as to inspection, search and seizure of false weights and measures.—

(*1*) Notwithstanding anything contained in section 153 of the [4]Code of Criminal Procedure, 1898 (V of 1898), any Police officer generally or specially deputed, in [5][any area under the charge of a Commissioner], by the Commissioner and elsewhere, by the [6][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 premises weights, measures or instruments, for weighing or measuring which he has reason to believe are false, he may seize the same and shall forth with 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 where of are kept under any law from time in force shall, if they do not correspond with the said standards, be deemed to be false within the meaning of this section.

96. Procedure to be followed by officers and Magistrates in certain cases.—

(*1*) Notwithstanding anything contained in sections 129, 130, sub-section (*2*) of section 167, and section 173 of the [7]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 [8][any area under the charge of a Commissioner] be exercised and performed by the Commissioner,

(*ii*) the Presidency Magistrate in [9][Brihan Mumbai] to whom an accused person is forwarded under sub-section (*2*) of section 16 he has or has not jurisdiction to try

1 The words and figures "or any other officer appointed under section 90" were deleted by Bom. 20 of 1953, s. 12.
2 The words "for the whole State or for such area as may be specified in the notification" were deleted by Bom. 20 of 1953, s. 13 (*1*).
3 The words "or any officer appointed as aforesaid" were deleted by Bom. 20 of 1953, s. 13 (*2*).
4 Now see Code of Criminal Procedure, 1973 (2 of 1974).
5 These words were substituted for the words "Greater Bombay" by Bom. 56 of 1959, s. 3, Sch.
6 This word was substituted for the words "District Superintendent" by Mah. 46 of 1962, s. 3, Sch.
7 Now see Code of Criminal Procedure, 1973 (2 of 1974).
8 These words were substituted for the words "Greater Bombay" by Bom. 56 of 1959, s. 3, Sch.
9 These words were substituted for the words "Greater Bombay" by Mah. 27 of 2023, s. 5.

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 of the Code to the Commissioner or such other officer as the Commissioner may direct in that behalf.

(*2*) Nothing contained in section 62 of the 1Code of Criminal Procedure, 1898 (V of 1898), shall operate to require any officer in charge of a Police Station 2[any area under the charge of a Commissioner] to submit any report provided for by that section to any Magistrate.

(*3*) Sections 127 and 128 of the Code of 3Code of Criminal Procedure, 1898 (V of 1898), in their application to 4[Brihan Mumbai] 5[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 within or without the presidency-towns" the words and figures "section or any police officer authorised under section 127" shall be substituted.

97. A superior Police Officer may himself perform duties imposed on his inferior, etc.—A Police officer of rank superior to 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 (*1*) and so as it remains in force, it shall be the duty of every Police officer to obey any 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 VII

OFFENCES AND PUNISHMENTS

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 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, 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

1 Now *see* Code of Criminal Procedure, 1973 (2 of 1974).

2 These words were substituted for the words "Greater Bombay" by Bom. 56 of 1959, s. 3, Sch. 3 Now *see* Code of Criminal Procedure, 1973 (2 of 1974).

4 These words were substituted for the words "Greater Bombay" by Mah. 27 of 2023, s. 5. 5 These words were inserted by Bom. 56 of 1959, s. 3, Sch.

(*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 animals for hire or sale, etc.— No person shall in any street or public place expose for 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 a vehicle, or except when in the case of an accident repairing on the spot is unavoidable, repair any vehicle or part of a vehicle or carry on therein any manufacture or operation so as to be a 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 any part of a street or public place as a halting places for vehicle 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 sale 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 footway any animal or vehicle other than a perambulator or fasten any animal so that 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 1[the Revenue Commissioner or the Commissioner] or a District Magistrate, as the case may be, any 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 horse, etc., and suffering ferocious dogs to be at large.— No person shall in 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 a 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. Bathing or washing in places not set apart for those purposes.— No person shall bathe or wash in or by the side of a public well, tank , or reservoir not set apart for such purposes by order of a competent authority, or in or by the side of any pond, pool, aqueduct, part of a river, stream, nala or other source or means of water-supply in which such bathing 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, reservoir, 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 intrusion or by using such place for any purpose for which is not so set apart.

1 These words were substituted for the words "the Commissioner" by Mah. 2 of 1960, s. 5.

110. Behaving indecently in public.— No person shall wilful 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 or not, or use indecent language or behave indecently or riotously, 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 push, press, hustle or obstruct any passenger in a street or public place or by violent movements, menacing gestures, 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 [1][horses] or property.

114. [*Begging and exposing offensive ailments*] *Repealed by Bom. X of 1960, S.2* (*14*)*, 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 [2][or

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

116. Disregard of notice in public building.— No person shall, in any Court, Police Station, Police office, 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 fixed to such Court, Station, office or building.

117. Penalties for offenders under sections 99 to 116.— Any person who contravenes any of the provisions of sections 99 to 116 (both inclusive) shall, on conviction, be punished with fine which may extend to [3][twelve hundred rupees].

118. Penalty for failure to keep in confinement cattle, etc.— (*1*) In any local area in which the State Government by notification in the *Official Gazette* brings this section into force, whoever through neglect or otherwise fails to keep in confinement or under restrain between one hour after sunset and sunrise any cattle which are his property or in his charge shall, on conviction, [4][be punished,—

[5][(*i*) for the first offence, with fine which may extend to four thousand rupees;]

(*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 [6][five thousand 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

1 This word was substituted for the words "houses" by Bom. 21 of 1954, s. 3, Second Schedule.

2 This word and clause was inserted by Bom. 1 of 1956, s. 12.

3 These words were substituted for the words "hundred rupees" by Mah. 40 of 2000, s. 14.

4 This portion was substituted for the words beginning with words "in punished" and ending with the words "or with both" by Bom. 20 of 1953, s. 14 (*1*).

5 This clause was substituted by Mah. 11 of 2023, s. 3.

6 These words were substituted for the words "five hundred rupees" by Mah. 40 of 2000, s. 15 (*b*).

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.

1[(*1A*) 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 damages 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 the offence has been committed shall be forfeited to the State Government.

(*1B*) Any compensation awarded under sub-section (*1A*) 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 in confinement or under restraint as required by this section and may take or send the 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 (I of 1871) 2[3[* * * *] or of the Hyderabad Cattle Trespass Act (Hyd. V of 1337 F), as the case may be]. 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 of law, be recovered by sale of all or any of the 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.

119. Punishment for cruelty to animals.— Whoever in any place 4[in any area for which a Commissioner has not been appointed] cruelly beats, goads, overworks, ill-treats or tortures, or causes or procures to be cruelly beaten, goaded, over-worked, 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 5[two thousand five hundred rupees,] or with both.

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 or appropriated to public purposes, or on any boat or vessel, shall, on conviction, whether he causes any actual damages or not, be punished with fine which may extend to 6[five thousand 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 7[three 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 an offence, or

1 Sub-sections (*1A*), (*1B*) and (*1C*) were inserted by Bom. 20 of 1953, s. 14 (*2*).

2 This portion was inserted by Bom. 34 of 1959, s. 30.

3 The words "or of that Act as in force in the Saurashtra area of the State of Bombay" were omitted by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

4 These words were substituted for the words, "outside Greater Bombay" by Bom. 56 of 1954, s. 3, Sch.

5 These words were substituted for the words "one hundred rupees" by Mah. 40 of 2000, s. 16.

6 These words were substituted for the words "twenty rupees" by Mah. 40 of 2000, s. 17.

7 These words were substituted for the words "one hundred rupees" by Mah. 40 of 2000, s. 18.

(*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) 1[any implement of house-breaking,—

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 one month and shall also be liable to fine which may extend to 2[one hundred rupees].]

123. Carrying 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, bludgeons, gun or other offensive weapon or with any explosive or corrosive substance in any street or public place unless so authorised by lawful authority, shall be liable to be disarmed by any Police Officer, and weapon or substance so seized shall be forfeited to the State Government, unless redeemed within two months by payment of such fine not exceeding 3[twelve thousand 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 4[which may extend to one year but shall not, except for reasons to be recorded in writing, be less than one month and shall also be liable to fine which may extend to 5[five thousand rupees]].

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 into any public hospitals without the permission of a medical officer of 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*) into the barracks or buildings occupied by the troops composing the Garrison of Bombay or into any military 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 6[three thousand rupees], or with both and such spirits, liquor, drugs or preparations and the vessels containing the same, shall be forfeited to the State Government.

126. Omission by pawn-brokers etc. to report to Police possession or tender of property suspected to be stolen.— Whoever, being a pawn-broker, dealer in second-hand property, or worker in

1 These words were substituted for the words "any implement of house breaking shall, on conviction be punished with imprisonment for a term which may extend to three months" by Mah. 29 of 1970, s. 4.

2 These words were substituted for the words of 2000, s. 19.

3 These words were substituted for the words “five hundred rupees” by Mah. 40 of 2000, s. 20.
4 These words were substituted for the words “which may extend to three months or with fine which may extend to one hundred rupees or both” by Mah. 29 of 1970, s. 5.
5 These words were substituted for the words “five hundred rupees” by Mah. 40 of 2000, s. 21.
6 These words were substituted for the words “one hundred rupees” by Mah. 40 of 2000, s. 22.

metals, or reasonably believed by the Commissioner, or 1[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 410 of the Indian Penal Code (XLV of 1860), or by any offence punishable under sections 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 howsoever, made to him, of property answering the description contained in such information, shall, unless—

(*i*) he forthwith gives information to the Commissioner, or the 2[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 3[two thousand 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, alters, 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 (XLV of 1860), or property in respect of which any offence punishable under sections 417, 418, 419 or 420 of the said Code 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 to 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 4[two thousands rupees].

129. Permission of disorderly conduct at places 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 extent to 5[two thousand five 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 wages, or in betting on the sides or hands of the players, or in wagering on the event of any game, sport, pastime, 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 (XLV of 1860), and be liable to punishment accordingly.

6**[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 7[five hundred rupees] or may be released after a due admonition.]

1 This word was substituted for the words “District Superintendent” by Mah. 46 of 1962, s. 3, Sch. 2
This word was substituted for the words “District Superintendent” by Mah. 46 of 1962, s. 3, Sch. 3
These words were substituted for the words “fifty rupees” by Mah. 40 of 2000, s. 23.

4 These words were substituted for the words "one hundred rupees" by Mah. 40 of 2000, s. 24.
5 These words were substituted for the words "one hundred rupees" by Mah. 40 of 2000, s. 25. 6 Section 130A was inserted by Bom. 20 of 1953, s. 15.
7 These words were substituted for the words "fifty rupees" by Mah. 40 of 2000, s. 26.

131. Penalty for contravening rules, etc., under section 33.—1[2[Save as provided in section 131A, whoever]—

(*a*) contravenes any rule or order made under section 33 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 (*b*), (*g*), (*h*), (*i*), sub-clauses (*i*) and (*ii*) of clause (*r*) or clause (*u*) of sub-section (*1*) of section 33, with imprisonment for a term which may extend to eight days or with fine which may extend to 3[one thousand two hundred fifty rupees] or will both ;

4[(*ia*) if the rule or order under which the said licence was issued was made under sub-clause (*iii*) of clause (*r*), of sub-section (*1*) of section 33, with imprisonment for a term which may extend to three months or with fine which may extend to two thousand rupees or with both ;]

5[* * *]

(*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 6[five thousand 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 one month or with fine which may extend to 7[two thousands five hundred rupees] or with both, and

(*b*) for a subsequent offence, with imprisonment for a term which may extend to six months and fine which may extend to 8[five thousand rupees] ; and

(*v*) if the rule or order contravened or the rule or order under which the said licence was issued 9[was made under any clause of sub-section (*1*) of section 33 and for the contravention of which no penalty is provided for under this section], with fine which may extend to 10[five hundred rupees].

11**[131-AA. Liability of licensee of place of public entertainment for acts of servants.—** The holder of a licence, granted under this Act, in respect of a place of public entertainment 12[or a place in which a dancing school is conducted] 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 his behalf, as if he himself had committed the same unless he establishes that all due and reasonable precautions were taken by him to prevent the commission of such offence.]

13**[131-A.** 14**[Penalty for not obtaining licence in respect of place of public entertainment or certificate or registration in respect of eating house or for not renewing such licence or certificate**

1 This portion was substituted for the original by Bom. 21 of 1954, s. 3, Second Schedule.
2 These words were substituted for the word "Whoever" by Bom. 28 of 1954, s. 10.
3 These words were substituted for the words "fifty rupees" by Mah. 40 of 2000, s. 27 (*a*).
4 Sub-clause (*ia*) was inserted by Mah. 40 of 2000, s. 27 (*b*).
5 This clause was deleted by Mah.11 of 2023, s. 4.
6 These words were substituted for the words "two hundred rupees" by Mah. 40 of 2000, s. 27 (*d*).
7 These words were substituted for the words of 2000, s. 27 (*e*)(*1*).

8 These words were substituted for the words "five hundred rupees" by Mah. 40 of 2000, s. 27 (*e*)(*2*).
9 These words, brackets and figures were substituted for the words "was made under any other clause" by Mah. 30 of 1962, s. 2.
10 These words were substituted for the words "fifty rupees" by Mah. 40 of 2000, s. 27 (*f*).
11 Section 131-AA was inserted by Bom.1 of 1956, s. 14.
12 These words were inserted by Mah. 1 of 1974, s. 5.
13 Section 131-A was inserted by Bom. 28 of 1954, s. 11.
14 The marginal note was substituted for the original by Mah. 2 of 1969, s. 4 (*c*).

within prescribed period].— (*1*) Whoever fails to obtain a licence under this Act in respect of place of public entertainment 1[or a place in which a dancing school is conducted] 2[or a certificate of registration thereunder in respect of any eating house, or to renew the licence or the certificate, as the case may be,] within the prescribed period shall, on conviction, be punished with a fine which may extend to 3[two thousands rupees].

(*2*) Any Court trying any such offence shall in addition direct that the person keeping the place of public entertainment, 4[or the eating house] 5[or conducting a dancing school], in respect of which the offence has been committed shall 6[close such place, dancing school, or as the case may be,] 7[or eating house] until he obtains a licence or fresh licence, 8[or certificate of registration, fresh registration certificate, 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 extend to one month or with fine which may extend to 9[five thousand rupees] 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 the case may be, by an order in writing, may take or cause to be taken such steps and use or cause to be used such force as may, in the opinion of such officer, be reasonably, necessary for securing compliance with the Court's direction.]

132. Penalty for disobedience to order under section 31.— Whoever contravenes, disobeys, opposes, or fails to conform 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 with fine which may extend to 10[five thousand rupees] or with both.

133. Penalty for contravening rules, etc. under section 35.— Whoever contravenes 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 11[five thousand rupees] or with both.

134. Penalty for contravention of rules, 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 12[five thousand rupees].

135. Penalty for contravention of rules, or directions under section 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—

(*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

1 These words were inserted by Mah.1 of 1974, s. 6 (*a*).
2 These words were substituted for the words "or to renew a licence granted under this Act in respect of such a place" by Mah. 2 of 1969, s. 4 (*a*).
3 These words were substituted for the letters and figures "Rs. 50" by Mah. 40 of 2000, s. 28 (*a*).
4 These words were inserted by Mah. 2 of 1969, s. 4 (*b*).

5 These words were inserted by Mah.1 of 1974, s. 6 (*b*)(*i*).
6 These words were substituted for the words "close such place or" by Mah.1 of 1974, s. 6 (*b*)(*ii*).
7 These words were inserted by Mah. 2 of 1969, s. 4 (*b*).
8 These words were inserted by Mah.1 of 1974, s. 6 (*c*).
9 These words were substituted for the letters and figures "Rs. 200" by Mah. 40 of 2000, s. 28 (*b*).
10 These words were substituted for the words "five hundred rupees" by Mah. 40 of 2000, s. 29.
11 These words were substituted for the words "two hundred rupees" by Mah. 40 of 2000, s. 30.
12 These words were substituted for the words "two hundred rupees" by Mah. 40 of 2000, s. 31.

(*ii*) if the said order was made under sub-section (*2*) of section 37, with imprisonment for a term which may extend to one month or with fine which may extend to 1[twenty thousand five hundred rupees], and

(*iii*) if the said order was made under sub-section (*3*) of section 37, with fine which may extend to 2[two thousand five hundred rupees].

136. Penalty for contravening rules, etc., made under section 38.— Whoever disobeys any direction lawfully made under section 38 or abets the disobedience thereof shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to 3[five thousand rupees] or with both.

137. Penalty for contravening rules, 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 4[five hundred rupees].

138. [*Penalty for failure to comply with order under section 42*] *Deleted by Mah. 28 of 1964, s. 9.*

139. Penalty for contravention of a regulation made under section 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 5[two thousand five 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 so shall, on conviction, be punished with fine which may extend to 6[five hundred rupees].

141. Penalty for contravention of directions under section 55, 56, 7[57,57A or 63AA].— Whoever opposes or disobeys or fails to conform to any direction issued under section 55, 56 8[57, 57A or 63AA] or abets opposition 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.

9**[142. Penalty for entering without permission area from which a person is directed to remove himself or overstaying when permitted to return temporarily, 10[or for failure to report place or residence or departure or arrival].—** 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 sections 55, 56, 11[57, 57A or 63AA] enters or returns without permission to the area, or any district or districts or part thereof 12[or to any specified area or areas,] from which he was directed to remove himself ;

(*b*) enters or returns to any such area or district aforesaid or part thereof 13[or to any such specified area or areas,] with permission granted under sub-section (*2*) of section 62 but fails,

1 These words were substituted for the words "one hundred rupees" by Mah. 40 of 2000, s. 32 (*a*).
2 These words were substituted for the words "one hundred rupees" by Mah. 40 of 2000, s. 32 (*b*).
3 These words were substituted for the words "five hundred rupees" by Mah. 40 of 2000, s. 33.
4 These words were substituted for the words "two hundred rupees" by Mah. 40 of 2000, s. 34.
5 These words were substituted for the words "two hundred rupees" by Mah. 40 of 2000, s. 35.
6 These words were substituted for the words "fifty rupees" by Mah. 40 of 2000, s. 36.

7 These figures, letters and words were substituted for the figures, word and letters "57 or 63AA" by Mah. 15 of 1976, s. 4, Sch.
8 These figures, letters and words were substituted for the figures, word and letters "57 or 63AA" by Mah. 15 of 1976, s. 4, Sch.
9 This section was substituted for the original by Bom. 37 of 1959, s. 4.
10 These words were added by Mah. 33 of 1981, s. 8 (*d*).
11 These figures, letters and words were substituted for the figures, word and letters "57 or 63AA" by Mah. 15 of 1976, s. 4, Sch.
12 These words were inserted by Mah. 33 of 1981, s. 8 (*a*).
13 These words were inserted by Mah. 33 of 1981, s. 8 (*b*)(*i*).

contrary to the provisions thereof, to remove himself 1[outside such area, district or part thereof or outside such specified area or areas, as the case may be,] 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 ;

2[(*c*) fails, without sufficient cause, to make a report about his place of residence or about his date of departure or arrival as required by sub-section (*2*) of section 56 or of section 57,]

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.

3**[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.]

4**[143B. Dangerous performances.—** (*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 person, any performance in which or during which he buries himself underground, or seals himself in 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 5Code of Criminal Procedure, 1898 (V of 1898), the offence punishable under this section shall be cognizable.]

144. Neglect or refusal to serve as Special Police officer.— Any person who having been appointed a Special Police officer under section 21 shall, without sufficient cause, neglect or refuse to serve as such or to obey 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 6[two thousand rupees].

145. Penalty for making false statement, etc., and for misconduct of Police officers.—(*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 of any rule or order which as such Police officer, it is his 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, on conviction, be punished with imprisonment for a term shall, which may extend to three months, or with fine which may extend to one hundred rupees, or with both.

1 These words were substituted for the words "outside such area" by Mah. 33 of 1981, s. 8 (*b*)(*ii*). 2 This clause was inserted by Mah. 33 of 1981, s. 8 (*c*).

3 Section 143A was inserted by Bom. 20 of 1953, s. 16.

4 Section 143B was inserted by Bom. 34 of 1959, s. 31.

5 *See* now the code of Criminal Procedure, 1973 (2 of 1974).

6 These words were substituted for the words "fifty rupees" by Mah. 40 of 2000, s. 37.

(*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 office within the meaning of section 29.

146. Penalty for failure to deliver up certificate of appointment or of office 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, search, 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 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 for 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.

1[**149A. Penalty for unauthorised use of Police uniform.—** 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 2[in the 3[State of Maharashtra]] the uniform of the Police Force or any dress having the appearance or bearing any of the distinctive marks of that uniform, he shall, on conviction, be punished with fine which may extend to 4[two thousand rupees].]

150. Jurisdiction when offender 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 Presidency Magistrate or 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 occasioned serious mischief and has been promptly desisted from on warning given.

1 This section was inserted by Bom. 6 of 1955, s. 3.

2 These words were substituted for the words "in the state" by the Bombay Adaptation of Laws (State and Concurrent Subjects) Order, 1956.

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

4 These words were substituted for the words "two hundred rupees" by Mah. 40 of 2000, s. 38.

1[151A. Summary disposal of certain cases.— (*1*) 2[A Court] taking cognizance of an offence punishable under section 117, or under 3[sub-clauses] (*iii*), (*iv*) or (*v*) of section 131, 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 4[two thousand rupees], as the Court may specify.

(*2*) Where an accused persons pleads guilty and remits the sum specified, no further proceedings in respect of the offence shall be taken against him.]

152. Prosecution for offences under other enactments not affected.— Nothing in this Act shall be constructed to prevent any person form 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 5Code of Criminal Procedure, 1898 (V of 1898).

CHAPTER VIII

MISCELLANEOUS

153. Disposal of fees, rewards, etc.— All fees paid for licences or written permissions 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 6[by members of the Police Force for the convenient performance of their duties, in any area of the 7[Bombay area of the State of Maharashtra excluding] 8[Brihan Mumbai], and also in such of the remaining areas of the 9[State of Maharashtra] as may be notified by the State Government in the *Official Gazette*].

155. Method of proving orders and notifications.— Any order of 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 provision of this Act or of any rule made under this Act, or in substantial conformity to the same, shall

1 This section was inserted by Bom. 1 of 1956, s. 17.

2 These words were substituted for the portion beginning with "A Court" and ending with "of section 33" by Mah. 28 of 1964, s. 10.

3 This word was substituted for the word "paragraph" by Mah. 40 of 2000, s. 39 (*a*).

4 These words were substituted for the words f 2000, s. 39 (*b*).

5 *See* now Code of Criminal procedure, 1973 (2 of 1974).

6 This portion was substituted for the portion beginning with the words "in any area" and ending with the words "their duties" by Bom. 34 of 1959, s. 33.

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

8 These words were substituted for the words "Greater Bombay" by Mah. 27 of 2023, s. 5.

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

be deemed illegal, void, invalid or insufficient by reason of any defect of form or any irregularity of procedure.

157. Presumption in prosecutions for contravention of directions issued under section 55, 56, 1[57, 57A or 63AA].— Notwithstanding anything contained in any law for the time being in force, in a prosecution or an offence for the contravention of a direction issued under section 55, 56, 2[57, 57A or 63AA] on the production of an authentic copy of the order, it shall, until the contrary is proved and the burden of proving which shall lie on the accused, be presumed—

(*a*) that the order was made by the authority competent under this Act to make it ;

(*b*) that the authority making the order was satisfied that the grounds on or the purpose for which it was made existed, and that it was necessary to make the same ; and

(*c*) that the order was otherwise valid and in conformity with the provisions of this Act.

3[**157A. Officers holding charge of or succeeding to vacancies competent to exercise power.—** 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 or 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 into 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.—4[No Revenue Commissioner, 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.

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 penalty or to payment of any damages for giving effect in good faith 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 5[within the prescribed period].— (*1*) In any case of alleged offence by 6[the Revenue Commissioner, the Commissioner], a Magistrate, Police officer or other person, or of a wrong alleged to have been done by 7[such Revenue Commissioner, 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 six months after the date of the act complained of :

1 These figures, letters and word were substituted for the figures, word and letters "57 or 63AA" by Mah. 15 of 1976, s. 4, *Sch*.

2 These figures, letters and word were substituted for the figures, word and letters "57 or 63AA" by Mah. 15 of 1976, s. 4, *Sch*.
3 Section 157A was inserted by Bom. 57 of 1954, s. 5.
4 These words were substituted for the words "No Magistrate" by Bom. 8 of 1958, s. 3, Schedule.
5 These words were substituted for the words "within six months" by Mah. 45 of 1967 s. 3 (*b*).
6 These words were substituted for the words "the Commissioner" by Mah. 2 of 1960, s. 6.
7 These words were substituted for the words "such Commissioner" by Mah. 2 of 1960, s. 6.

1[Provided that, any such prosecution against a Police officer may be entertained by the Court, if instituted with the previous sanction of the State Government within two years from the date of the offence.]

(*2*) **In suits as aforesaid one month's notice of suit to be given with sufficient description of wrong complained of.—** In the case of an intended suit on account of such a wrong as aforesaid, the person intending to use 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*) **Plaint to set forth service of notice and tender of amends.—** The plaint 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 plaint 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 period 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, 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 the 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 place, or by proclaiming the same with beat of drums, or by advertising the same in such local newspaper,—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 proved by writing under his signature.— Whenever under this Act, the doing or the omitting to do anything or the validity of anything depends upon the consent, approval, declaration, 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 notice, 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

1 This proviso was added by Mah. 45 of 1967, s. 3 (*a*).

thereunder, 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 interested may apply to State Government to annul, reverse or alter 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 or those under their control in a manner therein described, it shall be competent to any person 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 District Court 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 1[specified in Part I of Schedule] 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 any 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 an 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.

[2][(*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 (XXXIV of 1959), the laws specified in Part II of Schedule I and in Schedule IV, as in force in that part of State, shall stand repealed :

Provided that, such repeal shall not affect—

1 These words and figures were substituted for the words "specified in Schedule I" by Bom. 34 of 1959, s. 34 (*1*). 2 Sub-section (*2A*) was inserted by Bom. 34 of 1959, s. 34 (*2*).

(*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 repealed ; or

(*c*) any penalty incurred in respect of anything done against any law so repealed, and any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability or penalty as aforesaid may be instituted, continued or enforced, and any such penalty may be imposed, as if this Act had not come into force in the relevant part of the State :

Provided further that, subject to the preceding proviso, anything done or any action taken (including any rule prescribed, appointment made, power conferred, order made and passed, direction or certificate issued, consent, permit, permission or licence given, summons or warrant issued or served, person arrested or detained or discharged on bail or bond, search warrant issued or bond forfeited), under any such repealed law shall, in so far as it is not inconsistent with this Act, be deemed to have been done or taken under the corresponding provision of this Act, as if the said provisions were in force in the relevant part of the State when such thing was done or such action was taken, and shall continue in force accordingly, unless and until superseded by anything done or any action taken under this Act :

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.]

[1](*3*) The enactment specified in Schedule III in its application to the [2][Pre-Reorganisation State of Bombay, excluding the transferred territories,] is hereby amended to the extent and in the manner mentioned in the fourth column thereof.

168. [3]**[Saving of laws relating to Village Police and Reserve Police].—** Nothing in this Act shall affect the provisions of the Bombay Village Police Act, 1867 (Bom. VIII of 1867) [4][that Act as in force in the Kutch area of the State of Bombay 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, and in regard to the Reserve Police.

1 Sub-section (*3*) shall stand unmodified, *vide* the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

2 These words were substituted for the words, "State of Bombay" by the Bombay Adaptation of Laws (State and Concurrent Subjects) Order, 1956.

3 This marginal note was substituted for original by Bom. 34 of 1959, s. 35 (*2*).

4 These words and figures, were inserted by Bom. 34 of 1959, s. 35 (*1*).

SCHEDULE I

[*See* sections 3 and 5 and [1][sub-section (*1*) and (*2A*)] of section 167]

Year	No.	Short title
(1)	(2)	(3)
		[2][PART I]
1890	IV ..	The Bombay District Police Act, 1890.
1902	IV ..	The City of Bombay Police Act, 1902.
1949	XVI ..	The Police Forces (Control and Direction) Act, 1949.
		[3][PART II
1861	V ..	The Police Act, 1861, as in force in the Vidarbha Region of the State of Bombay, 1890.
1329F	V ..	The Bombay District Police Act, 1890, as in force in the Kutch area of the State of Bombay.
1329F	X ..	The Hyderabad District Police Act.
1954	XVIII ..	The Saurashtra Police Act, 1954].

1 These words, bracket, figures and letter were substituted for the word, brackets and figure "Sub-section (*1*)" by Bom. 34 of 1959, s. 36 (*1*).

2 This sub-heading was inserted by Bom. 34 of 1959, s. 36 (*2*).

3 This sub-heading and entries were added by Bom. 34 of 1959, s. 36 (*3*).

SCHEDULE II

(*See* section 14)



CERTIFICATE
OF
APPOINTMENT IN THE POLICE FORCE.

No.. . . . . .

_____

[1][STATE OF MAHARASHTRA]

Certificate of Appointment issued under the Police Act of 1951. . . . . Act of 1861.

Mr. . . . . has been appointed as . . . . . and is invested with the powers, functions and privileges of a Police Officer under the Bombay Police Act of 1951

Act V of 1861

(Photograph to be affixed in the case of [2][Inspectors and] Sub- Inspectors.)

[3][4][Brihan Mumbai] Area under the charge of the Commissioner for . . . . . .]

In the Bombay District Police.

Railway Police.

On the . . . . . day of 19

Signature . . . . . .

Designation . . . . . .

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

2 The words "Inspectors and" were deleted by Bom. 20 of 1953, s. 20 and inserted again by Bom. 28 of 1954, s. 12.

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

4 These words were substituted for the words "Greater Bombay" by Mah. 27 of 2023, s. 5.

SCHEDULE III

[*See* sub-section (*3*) of section 167]

Year	No.	Short title	Amendment
(1)	(2)	(3)	(4)
1898	. .	Coe of Criminal Procedure.	In clause (*a*) sub-section (*2*) of section 1 of the Act — (*i*) for the words "towns of Calcutta, Madras and Bombay" the words "towns of Calcutta and Madras" shall be substituted ; (*ii*) for the words "towns of Calcutta, and Bombay" the words "town of Calcutta" shall be substituted.

[1][SCHEDULE IV

[*See* sub-section (*2A*) of section 167]

Year	No.	Short title
(1) (2)	(3)	
1946	X . .	The Central Provinces and Berar Goondas Act, 1946.
1947	XVII . .	The Central Provinces and Berar Special Police Establishment Act, 1947.
1951	XXIX . .	The Hyderabad Public Security Measures Act, 1951.
1953	XII . .	The Punjab Security of the State Act, 1953, as extended to the Kutch area of the State of Bombay.
1955	XXV . .	The Saurashtra Gram Rakshak Dal Act, 1955.
1957	XXXVII . .	The Hyderabad Public Security Measures (Amendment) and Supplemental Provisions Act, 1957].

1 This Schedule was added by Bom. 34 of 1959, s. 37.