



GOVERNMENT OF GUJARAT

LEGISLATIVE AND PARLIAMENTARY AFFIARS DEPARTMENT

## **Bombay Act No. VIII of 1867**

### **The Bombay Village Police Act, 1867**

*(As modified upto the 30th April, 2012)*

THE BOMBAY VILLAGE POLICE ACT, 1867.

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BOMBAY ACT NO. VIII OF 1867.<sup>1</sup>

[THE BOMBAY VILLAGE POLICE ACT, 1867.]<sup>+</sup>

[21st December 1867.]

Repealed in part by Act 12 of 1873;  
Repealed in part by Act 12 of 1876;  
Repealed in part by Bom. 3 of 1886;  
Repealed in part by Bom. 28 of 1949.  
Repealed in part (locally and temporarily), by Bom. 1 of 1889.  
Amended by Bom. 1 of 1876; Bom. 3 of 1886 (as amended by Bom. 1 of 1891).  
Bom. 4 of 1905; Bom. 3 of 1915 and Bom. 9 of 1925.  
Supplemented by Bom. 4 of 1890.  
Adapted and modified by the Adapatation of Indian Laws Order in Council.  
Amended by Bom. 17 of 1945.\*  
Amended by Bom. 18 of 1947.  
Amended by Bom. 8 of 1950.  
Adapted and modified by the Adaptation of Laws Order, 1950.  
Amended by Bom. 23 of 1951.  
Adapted and modified by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.  
Amended by Guj. 34 of 1961.  
Amended by Guj. 15 of 1964.

An Act for the regulation of the Village Police in the Presidency of Bombay.

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

Preamble.

1. The terms <sup>2</sup>\* \* , "District Superintendent" and "Assistant Superintendent of Police", <sup>3</sup>[and "Police-officer"], when used in this Act, mean <sup>4</sup>[officers so appointed or deemed to be appointed under the Bombay Police Act, 1951.]

Interpretation clause.

V of 1898.

<sup>5</sup>[The term "Executive Magistrate" when used in this Act has the meaning assigned to it in the Code of Criminal Procedure, 1898.]

Guj. Extent XXXIV of 1961.

<sup>6</sup>[2. On and from the commencement of Bombay Village Police (Gujarat Extension and Amendment) Act, 1961, this Act shall extend also to that part of the State of Gujarat to which it did not extend before such commencement. ]

3. The administration of the village-police throughout each district shall, under the control and direction of the <sup>7</sup>[State Government ] <sup>8</sup>\* \* , be exercised by the Magistrate of the district, who may, with the sanction of the <sup>7</sup>[State Government] <sup>8</sup>\* \* , delegate any portion thereof to any Magistrate with full powers having also revenue charge as an Assistant or Deputy Collector.

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

4. It shall be lawful for the Magistrate of a district, with the sanction of the <sup>7</sup>[State Government] <sup>8</sup>\* \* , to depute to the District Superintendent of Police any authority which may be exercised by the Magistrate of a district for the purposes of police over any village-police-officer.

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

5. (1) The village-police in each village shall be under the charge of such person as the <sup>9</sup> <sup>10</sup>[State] Government] shall <sup>11</sup>\* \* , appoint in writing to be Police-patel, and unless the <sup>12</sup> <sup>10</sup>[ State] Government, <sup>8</sup>\* \* , owing to the size of the village or other good cause, see fit to separate the appointments, the <sup>9</sup> <sup>10</sup>[State] Government] shall appoint the person conducting the duties of Revenue-patel to be Police patel.

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

(2) In making the appointment, the <sup>13</sup> <sup>14</sup>[State] Government] shall have due regard to the provisions <sup>15</sup>\* \* \* in force for regulating the services of

Appointment of Police-patel.

hereditary officers, so far as the same may be applicable; but, when the Revenue patel is not appointed Police-patel, and more persons than one claim by reason of hereditary right to perform the duties, in rotation or otherwise, it shall be lawful for the <sup>16</sup>[<sup>14</sup>State] Government] to appoint the most fit from among their number.

Police-patels may be appointed for different divisions of town or place.

(3) In any town or place in which the duties cannot be in rotation or otherwise, it shall be lawful for the <sup>13</sup>[<sup>14</sup>State] Government] may, <sup>17</sup>\*\*\*\*\*] to <sup>18</sup>\*\*\*\*, appoint a sufficient number of Police-patel for the different divisions of the town or place.

<sup>19</sup>[(4) The powers of the State Government under this section may also be exercised by the Magistrate of a district.]

Duties of Police-patel.

6. The Police-patel shall, subject to the orders of the Magistrate of the district act under the orders of <sup>20</sup>[any other Executive Magistrate] within whose local jurisdiction his village is situated, whom he shall furnish with any returns of information called for, and keep constantly informed as to the state of crime and all matters connected with the village police the health and general condition of the community in his village.

He shall also afford all Police-officers every assistance in his power when called upon by them for assistance in the performance of their duty.

He shall further promptly obey and execute all orders and warrants issued to him by a Magistrate or Police-officer, shall collect and communicate to <sup>21</sup>[the Police-officer in charge of the District Police-Station within the limits of which the village is situated,] intelligence affecting the public peace, shall prevent within the limits of his village the commission of offences and public nuisances, and shall detect and bring offenders therein to justice.

Authority over village servants.

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

Precautions against robbery, etc.

8. The Police-patel shall dispose of the village-establishment so as to afford the utmost possible security against robbery, breach of the peace and acts injurious to the public and to the village-community, and shall report to <sup>22</sup>[the Executive Magistrate] to whose jurisdiction he is immediately subordinate all instances of misconduct or neglect committed by any members of the said establishment.

Penalties for neglect of duty, etc.

<sup>23</sup>9. Any Police-patel or member of a village-establishment liable to be called on for the performance of Police- duties who shall be careless or negligent in the discharge thereof shall be liable to be fined under the order of <sup>24</sup>[the Magistrate of the District] to any amount not exceeding the fourth part of the annual emoluments of his office.

If he shall be accused of any violation of duty or breach of rule, or of other misconduct which shall seem to such Magistrate to require a heavier punishment, he may suspend him from office during inquiry into such accusation, and at the close of such inquiry, if the said Magistrate shall consider him guilty of misconduct meriting such punishment, he may suspend him from office for a further period not exceeding six months, or <sup>25</sup>[dismiss him:]

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

- <sup>26</sup>[9A. Nothing in the last preceding section shall affect the liability of any Policepatel or other member of a village- establishment to a criminal prosecution for any offence with which he may be charged with. Liability to criminal prosecution not affected.
- <sup>27</sup>[The Magistrate of the District] may suspend any person subjected to any such prosecution pending the inquiry and trial]. Power to suspend during trial.
10. If a crime shall have been committed within the limits of the village, and the perpetrator of the crime has escaped or is not known, the Police-patel shall forward immediate information to the Police-officer in charge of the District Police-station within the limits of which his village is situated, and shall himself proceed to investigate the matter, obtaining all procurable evidence relating to it which he shall forward to the said officer. Information to officer in charge of District Police-station when criminal in village has escaped or is not known.
11. (1) If any unnatural or sudden death occur, or any corpse be found, within the bounds of any village the Police- patel shall forthwith assemble an inquest, to be composed of two or more intelligent persons belonging to the village or neighbourhood, who shall investigate the causes of death and all the circumstances of the case, and make a written report of the same, which the Police-patel shall cause to be forth with delivered to the Police-officer in charge of the District Police-station within the limits of which the village is situated. Inquest in case of unnatural or sudden death or corpse found within village.
- (2) Any person who, on being called upon by the Police- patel to serve as a member of such inquest, shall without justifiable cause refuse or neglect to do so, shall be liable, on conviction before a Magistrate, to punishment not exceeding fifty rupees, as fine, or, in default of payment, to imprisonment for one month. Punishment for refusing or neglecting to serve on inquest.
- (3) If the results of the inquest afford reason for supposing that death has been unlawfully occasioned, the Police-patel shall give immediate notice to the officer in charge of the District Police-station within the limits of which his village is situated, and, if the corpse can be forwarded without the risk of putrefaction by the way, shall at once forward it to the nearest Civil Surgeon or other medical officer appointed by <sup>28</sup>[the <sup>29</sup>[State] Government] to examine corpses under such circumstances, who shall endeavour to ascertain the cause of death. Corpse when to be forwarded to nearest Civil Surgeon, etc., for examination.
- Should the Police-patel be unable to forward the cropse without the risk of putrefaction rendering examination useless or dangerous, he shall nevertheless prevent the burning or burying of such corpse until the Police-officer in charge of the District Police-station within the limits of which his village is situated, or one of his subordinates deputed by him or a Magistrate, shall have assented thereto. When burning to be delayed till officer in charge of police-station assents.
12. (1) The Police-patel shall apprehend any person within the limits of his village who he may have reason to believe has committed any serious offence, and shall forward such person, together with all articles likely to be useful as evidence to the Police-officer in charge of the Police-station within the limits of which his village is situated. Police- patel to apprehend person he believes has committed serious offence.
- (2) Every person so apprehended shall be forwarded within twenty-four hours to the District Police-station within the limits of which the village is situated. Person apprehended to be for-warded to Police- station.
13. (1) The Police-patel in making any inquiry coming within the scope of his duty, <sup>30</sup>\* \* \* \* \* shall have authority to call and examine witnesses, and <sup>31</sup>[record their statements], and to search for concealed articles, taking care that no search be made in a dwelling-house between sunset and sunrise without urgent occasion. Power to call and examine witnesses, record evidence and search for concealed articles.

Power to enter limits of other villages.

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

14. <sup>32</sup>[Power to try and punishment for petty assault or abuse.] Repealed by Bom. 28 of 1949.

15. <sup>32</sup>[Magistrate may issue a commission to Police-patel to try certain offenders. Power of Police patel to punish.] Repealed by Bom. 28 of 1949.

16. <sup>32</sup>[Power to prohibit and to punish for beating, etc., animal; bathing, washing in, or defiling well, etc; depositing dirt etc ; committing nuisance, etc : accumulating offensive matter in cesspools, etc; allowing offensive matter to issue on thorough fare, depositing dead bodies, so as to defile water for drinking] Repealed by Bom. 28 of 1949.

17. <sup>32</sup>[Proceedings how taken under sections 14, 15 and 16.] Repealed by Bom. 28 of 1949.

18. <sup>32</sup>[Power to cancel commission issued under section 15.] Repealed by Bom. 28 of 1949.

Unclaimed property.

19. The Police-patel shall take charge of all unclaimed property found within his village, or made over to him under the provisions of <sup>33</sup>[the Bombay Police Act, 1951], and shall forthwith make a report to <sup>34</sup>[the Executive Magistrate] to whom he is subordinate, and act thereafter as he may be directed by the said Magistrate, unless the property be of a description coming within the provisions of <sup>35</sup>[the Cattle-tres-pass Act, 1871 or any law corresponding to that Act in force] <sup>36</sup>[in which case the Police-patel shall be guided by <sup>37</sup>[that enactment or law]

Bom. XXII of 1951.

I of 1871.

Prosecution under other regulations, etc., for offence punishable by Act.

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

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

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

21. In case of the Police-patel being unable to attend to his duty, owing to urgent absence from the village, sudden illness or other cause, he shall place a competent kinsman, or failing a competent kinsman some other competent person in charge of his office making an immediate report to <sup>38</sup>[the Executive Magistrate] to whom he is immediately subordinate and the person so placed in charge shall, until the receipt of instructions to the contrary, continue to act for the Police-patel in all his duties <sup>39</sup>\*

"District Police-station" defined.

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

23. [Application of Act to certain areas with modifications.] Deleted by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

Short title.

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

Repeal and saving.

<sup>40</sup>[25. (1) On the commencement of the Bombay Village; Police (Gujarat Extension and Amendment) Act, 1961, the Saurashtra Village Police Ordinance, 1949 and the Bombay Village Police Act, 1867 as extended to the Kutch area of the State of Gujarat shall stand repealed.

Guj. XXXIV of 1961. Sau. Ord. XXXII of 1949. Bom. VIII of 1867.

(2) The provisions of the Bombay General Clauses Act, 1904, shall apply to

Bom. I of 1904.

such repeal:

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

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<sup>1</sup> For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1867 pt. V, p. 66 ; for Report of the Select Committee, see [redacted] p. 78 and for proceedings in Council see [redacted], pp. 94 and 358. Bom. XXII of 1951.

\* Section 168 of the Bombay Police Act, 1951 (Bom XXII of 1951) reads follows - "168. Nothing in this Act shall affect the provisions of the Bombay Village Police Act, 1887, that Act as in force in the Kutch area of the State of Bombay or of the Saurashtra Village Police Ordinance, 1949, or any law corresponding thereto in force in any part of the State or any enactment which may be made in regard to the reserved Police." Bom. VIII of 1867.

\* This Act has been re-enacted and the amendments made by section 9 and Schedule E of the said Act have been continued in force by Bom 52 of 1947. s. 2.

<sup>2</sup> The words "Commissioner of Police" were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), as amended by Bom. 1 1891, s. 2 (a) (i). Both these Acts are now however themselves repealed: but see Schedule B to Bom. 3 of 1886, which is printed as an Appendix to the Bombay General Clauses Act, 1904. Sau. Ord. XXXII of 1949.

<sup>3</sup> These words were substituted for the words "Police-Officer" and "District-police" by Guj. 34 of 1961, 2 (i).

<sup>4</sup> These words and figures were substituted for the words and figures "those constituted under the Bombay District Police Acts, 1867 and 1890" by Guj. 34 of 1961, s. 2 (ii).

<sup>5</sup> This paragraph was added by Bom. 23 of 1951, s. 2, Schedule-Part III.

<sup>6</sup> Section 2 was inserted by Guj. 34 of 1961, s. 3.

<sup>7</sup> These words were substituted for the word "Commissioner" by Guj. 15 of 1964 s. 4, Sch.

<sup>8</sup> The words "of Police" were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. I of 1904).

<sup>9</sup> The words "Provincial Government" were substituted for the words "Magistrate of the district" by the Adaptation of Indian Laws Order in Council.

<sup>10</sup> This word was substituted for the word "Provincial" by the Adaptation of laws Order, 1950.

<sup>11</sup> The words "subject to the approval of the Commissioner" were omitted by the Bombay Decentralization Act, 1915 (Bom. 3 of 1915).

<sup>12</sup> The words "Provincial Government" were substituted for the word "Commissioner by the Adaptation of Indian Laws Order in Council.

<sup>13</sup> The words "Provincial Government" were substituted for the words "said Magistrate" by the Adaptation of Indian Laws Order in Council.

<sup>14</sup> This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

<sup>15</sup> The words and figures "of Act XI of 1843, (an Act for regulating the Service of Hereditary Officers under the Presidency of Bombay), or other Act" were repealed by the Repeal Act, 1876 (12 of 1876).

<sup>16</sup> The words "Provincial Government" were substituted for the words "Magistrate of the district" by the Adaptation of Indian Laws Order in Council.

<sup>17</sup> The words "with the consent of the Commissioner" were omitted by the Adaptation of Indian Laws Order in Council.

<sup>18</sup> The words "of Police" were repealed by the Bombay General Clauses Act, 1886 Bom 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. II of 1904).

<sup>19</sup> Sub-section (4) was inserted by Guj. 34 of 1961. s. 4.

<sup>20</sup> These words were substituted for the words "the Magistrate" by Bom. 23 of 1951.

<sup>21</sup> These words were substituted for the words "District-police" by Guj. 34 of 1961.

<sup>22</sup> These words were substituted for the words "the Magistrate" by Bom 23 of 1951, s. 2, Schedule-Part III.

<sup>23</sup> Section 9 was substituted by the Bombay Village Police Act (Amendment) Act, 187G (Bom. I of

1876), s. 2.

<sup>24</sup> These words were substituted for the words "any Magistrate of the first class" by Bom. 23 of 1951, s. 2, Schedule-Part III.

<sup>25</sup> This portion was substituted for the words beginning with the words "if the Magistrate is of opinion" and ending with the words "as it may think fit" by Guj 34 of 1961, s. 6.

<sup>26</sup> Section 9A was inserted by the Bombay Village Police Act (Amendment) Act, 1876 (Bom. I of 1876), s. 3.

<sup>27</sup> These words were substituted for the words "Any Magistrate of the first class" by Bom. 23 of 1951, s. 2, Schedule-Part III.

<sup>28</sup> The words "the Provincial Government" were substituted for the word "Govern- ment" by the Adaptation of Indian Laws Order in Council.

<sup>29</sup> This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

<sup>30</sup> The words "not being a case in which it is competent for him to inflict punish- ment" were deleted by Guj. 34 of 1961, s. 7 (i).

<sup>31</sup> These words were substituted for the words "record their evidence on solemn affirmation" by Guj. 34 of 1961, s. 7 (ii).

<sup>32</sup> Sections 14 to 18 (both inclusive) have been deleted by s. 2 of Bom. 28 of 1949. Provided that the Chief Presidency Magistrate in the village specified in Part II of Schedule A the Greater Bombay Laws and the Bombay High Court (Declaration of Limits) Act, 1945 (Bom. XVII of 1945) and elsewhere the District Magistrate shall direct that any "proceedings pending before any Police-patel under sections 14, 15 and 16 of the said Act on the date on which this Act comes into force shall be decided and disposed of by such subordinate Magistrate as the Chief Presidency Magistrate, or the District Magistrate, as the case may be, may specify in this behalf and such subordinate Magistrate shall decide and dispose of any such proceedings in accordance with the provision of the said Act, as if this Act was not passed and as if he had under the Code of Criminal Procedure, 1898 (V of 1898), taken cognizance of the offence which is the subject matter of such proceedings.

<sup>33</sup> These words and figures were substituted for the words and figures "the Bombay District Police Act, 1867" by Guj. 34 of 1961, s. 8 (a).

<sup>34</sup> These words were substituted for the words "the Magistrate" by Bom. 23 of 1951, s. 2, Schedule Part III.

<sup>35</sup> These words and figures were substituted for the words, figures and brackets "Act III of 1857 (an Act relating to trespasses by cattle)" by Guj. 34 of 1961, s. 8 (b)

<sup>36</sup> See now the Cattle Trespass Act, 1871, s. 2 (Unrepeated Central Acts).

<sup>37</sup> These words were substituted for the words "that enactment" by Guj 34 of 1961 s. 8 (c).

<sup>38</sup> The words "except those which involve the trial and punishment of offences were deleted by Bom. 28 of 1949, s. 3.

<sup>39</sup> Section 23 was inserted by Bom. 17 of 1945, s. 9, Sch. E. read with Bom. 52 of 1947, s. 2, proviso.

<sup>40</sup> Section 25 was inserted by Guj. 34 of 1961, s. 9.