

APPENDIX 8
¹THE BOMBAY POLICE ACT, 1951
[Bombay Act No. XXII of 1951]²

[11th June, 1951]

*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 Greater Bombay Police Forces ³[and the Police Forces of the Saurashtra, Kutch and Hyderabad areas, and of the Vidarbha regions], of the State of Bombay into one common Police Force and to introduce uniform methods regarding the working and 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 the Bombay Police Act, 1951.

⁴[(2) It extends to the whole of the State of ⁵[Maharashtra].]

⁶[(3) It shall come into force ⁷[in the pre-Re-organisation State of Bombay] on such date as the State Government may, by notification in the *official Gazette*, ⁸[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 (Bombay XXXIV of 1959), it shall come into force on such other date as that Government may, by like notification. specify].]

Gujarat Amendment

In sub- section (2) of Sec. 1 for "Bombay" substituted "Gujarat".⁹

¹ For Statement of Objects and Reasons. see Bombay Government Gazette, 1950, Part V, page 324 ; for Report of the Select Committee, see *ibid.*, 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, Sec 2).

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

⁴ This sub-section was substituted for the original, *ibid.*, Sec 4 (1).

⁵ This word was substituted for the word "Bombay" by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

⁶ Sub-section (3.) shall remain unmodified, *vide ibid.*

⁷ These words were inserted, *ibid.*, Sec 4 (2).

⁸ These words were substituted for the words "specify in this behalf", *ibid.*, Sec 4 (2).

⁹ Vide Gujarat Adaptation of laws (State and Concurrent Subjects) Order, 1960.

Gujarat Amendment:

In Sec. 30,

- (a) in sub-section (1), for the words "the Police Training School", the words "the police Training College or School" shall be substituted;
- (b) in sub-section (2) for the words "the Police Training School" at both the places where they occur, the words "the Police Training College or School" shall be substituted.¹

31. **Occupation of and liability to vacate premises provided 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 authorized by the State Government in this behalf thinks it necessary and expedient to require him to do so.
- (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 deliver the same to any person specified in the direction.

²[32. **State Government may make order under Sec. 144 of Act V of 1898.** The State Government, whenever it shall seem necessary, may by notification in the Official Gazette make an order to such effect as any order if made by a Magistrate under Sec. 144 of the 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

33. **Power to make rules or regulation of traffic and for presentation of order in public place, etc.**
³[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 Cls. ⁴[(a), (b), (d), (db), (e), (g), (r), (t) and (u)]] thereof and the Superintendent of Police with respect to the matters falling under the clauses aforementioned read with Cl. (y) to 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 passenger's 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

¹ Vide Gujarat Act 16 of 1978, Sec. 8, w.e.f. 3-3-1978.

² This section was substituted for the original by Bom 34 of 1959, Sec. 16.

³ Subs by Maharashtra Act XIII of 1965.

⁴ Subs by Maharashtra Act 45 of 1967.

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 such lights shall be used;
- ¹[(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;
- ²[(db) licensing, controlling or prohibiting the erection, exhibition, fixation or retention of any sign, device or representation for the purpose of advertisement, which is visible against the sky from some point in any street and is hoisted or held aloft over any land, building or structure at such height 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 or passengers in the vicinity, prohibiting the carrying in streets and public places of gunpowder or any other explosive substances;
- (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 odour 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 carcasses 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

¹ Clause (da) was Inserted by Bom 20 of 1953, Sec. G (1).

² Clause (db) was Inserted by Bom 37 of 1959, Sec. 2.

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 of 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 or 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 streets and prescribing in the case of processions, the routes by which, the order in which and the times at which the same may pass;
- (p) prohibiting the banging 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 places.
- (r) licensing, controlling or, in order to prevent obstruction, inconvenience, annoyance, risk, danger or damage of the residents or 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 or 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 [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 building, 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 wantonly discharging a fire, arm or airgun, 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 the dead,

These words were substituted for the words "any public place or" by Bom 28 of 1954, Sec. 7.

any dharamshala, 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 safety and the prevention of disturbance thereat;

¹[(wa) (i) licensing or controlling ²[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 theatrical or other performances for 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 ²[and of the scripts in respect thereof, if any, and granting of suitability certificate therefore subject to conditions, if any], ³[by the Board appointed by the State Government for the purpose, either for the whole State or the area concerned] ⁴[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 ;]

⁵[Provision for appeal against the order or decision of the Board to the prescribed authority, its appointment or constitution, its procedure and other matters 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;

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

⁶[(xa) registration of eating-houses, included granting a certificate of registration in each case, which shall be deemed to be written permission required and obtained under this Act for keeping the eating-house, and annual renewal of such registration within prescribed period;

(y) prescribing the procedure in accordance with which any licence or permission sought to be

Clause (wa) was inserted by Bom 20 of 1953. Sec. 6 (2).

Ins by Maharashtra Act XXXVII of 1973.

Sub. by Maharashtra Act XIII of 1965.

Ins by Maharashtra Act XXXVII of 1973.

Added by Maharashtra Act No. XXXVII of 1973.

Ins by Maharashtra Act II of 1969.

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 ¹[or certificate of registration] granted under any rule made thereunder shall authorize any person to import, export, transport, manufacture, sell or possess any liquor, or intoxicating drug, in respect of which a licence, permit, pass or authorization is required under the Bombay Prohibition Act, 1949.

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or under any other law for the time being in force ³(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 Arms Act, 1878 (XI of 1878), or of the Explosives Act, 1884 (IV of 1884), or of any 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 [or certificate of registration] made under such rules or orders shall be subject to the control and supervision of the State Government:

⁴[Provided also that, against any order granting or refusing to grant or renew or revoking ⁵[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).

⁶[(1. A) The power to make rules or order under Cls. (w), (wa) and (x) of sub-section (1) shall in the first instance have effect only in relation to ⁷[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. B) The power to make rules, orders or appointment under Cls. (w), (wa), (x) and (xa) in so far as it relates to a licence or permission under any of these clauses, under Cl. (y) of sub-section (1), may subject to the provisions of sub-section (1A) also be exercised by Revenue Commissioner in the revenue division under his charge.]

(2) (i) The power of making, altering or rescinding rules under Cls. (a), (b) and (c) of sub-section (1) shall be subject to the control of the State Government.

(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 Cl. (v) of sub-section (1) with respect to the use of a place for the disposal

¹ Subs by Maharashtra Act II of 1969.

² This portion was deleted by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

³ These words were substituted for the word, "relating to the Abkari revenue" by *ibid*.

⁴ Added by Maharashtra Act 45 of 1967.

⁵ Subs by Maharashtra Act II of 1969.

⁶ This sub-section was inserted by Bom 34 of 1959, Sec 17 (2).

⁷ These words were substituted for the words "area of the pre-Reorganisation State of Bombay excluding the transferred territories" by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.