

The Bengal Police Regulation, 1817

UTTAR PRADESH

India

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Act 20 of 1817

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The Bengal Police Regulation, 1817(Bengal Regulation No. 20 of 1817)[Passed by the Governor-General-in-Council on the 7th October, 1817]Short title given by Act 1 of 1903.A Regulation for reducing into one Regulation, with amendments and modifications, several rule which have been passed for the guidance of daroghas and other subordinate officers of Police [* * *] [The words 'for modifying the existing Rules concerning the Resistance or Evasion of Criminal Process and for requiring further aid to the police in certain cases, from Proprietors and Farmers of Land and their Local Managers, as well as from the Mundals and other Heads of Villages' repealed by Act XII of 1891.]

1. to 8.

[Preamble; Local extent; Repeals; Appointment and removal of public officers; Rank and functions of officers on thana establishments; Seal; Police accountments; Police officers at outposts; Leave rules; Thana records.] - Repealed by Act XVI of 1874.

9.

[Police returns, etc., to be sent to Magistrates or Superintendents]. - Repealed by Act XVII of 1862.

10. and 11.

- [Transmission of official papers; prohibition of irregular practices.] - Repealed by Act XVI of 1874.

12. to 20.

[Charges and cognizance by police; Duties of officers on receiving charges; Rules for holding inquest; Inquiries into cases of heinous offences; Search for stolen property; Duties of public with regard to coiners and utterers of base coin; Riots; treatment of prisoners; Notorious offenders and

vagrants.] - Repealed by Act XVII of 1862.

21.

[Village-watchmen.] - Repealed by Act XVI of 1873.

22. to 26.

[Concurrent jurisdiction of police daroghas; Prosecutors and witnesses; Summons; Arrest and bail; Resistance or evasion of criminal process.] - Repealed by Act XVII of 1862.

27.

[Distraint for arrears of land rent] - Repealed by Act X of 1859.

28.

[Abkari] - Repealed by Act XII of 1876. Execution of Criminal Process in the [Opium Department] [Substituted for 'Commercial, Salt and Opium Departments' by Act XII of 1891.] and duties of Daroghas relating to [that Department] [Substituted by *ibid.* for 'those Departments'].]

29.

First - Security for appearance of persons employed under Opium Department accused of bailable offence. - In all bailable cases, where it may be necessary, under the provisions of this Regulation, to summon or apprehend any [* * *] [The word 'weaver', the words 'engaged in the provision of the Company's investments or' the word 'commercial' and the words 'commercial resident' were repealed by Act XVI of 1874.] [* *] [The words 'manufacturer, molungee or any' before 'officer' and the words 'Salt or' in both the places repealed by Act XII of 1876.] officer or person [* * * *] [The word 'weaver', the words 'engaged in the provision of the Company's investments or' the word 'commercial' and the words 'commercial resident' were repealed by Act XVI of 1874.] employed in the [* * *] [The word 'weaver', the words 'engaged in the provision of the Company's investments or' the word 'commercial' and the words 'commercial resident' were repealed by Act XVI of 1874.] [*] [The words 'manufacturer, molungee or any' before 'officer' and the words 'Salt or' in both the places repealed by Act XII of 1876.] Opium Department, the daroghas of police shall transmit the summons or warrant, under a sealed cover, addressed to the [* * *] [The word 'weaver', the words 'engaged in the provision of the Company's investments or' the word 'commercial' and the words 'commercial resident' were repealed by Act XVI of 1874.] [* * *] [The words 'manufacturer, molungee or any' before 'officer' and the words 'Salt or' in both the places repealed by Act XII of 1876.] Opium Agent or the head [* * *] [The word 'Native' omitted by the A.L.O. 1950.] officer of the arang, kothi or chouki, who will either give or direct sufficient security to be given for the due attendance of the party, certifying on the back of the process the manner in which it has been served, and by whom the security has been given, or causing the defendant to accompany the officer

bearing the daroghas process to the thana. Second. - In such cases accused not to be forced to appear till after manufacturing season. - In cases of bailable nature, in which a person under engagements, and employed in the [* * *] [The words 'Commercial' and 'Salt or' were repealed by Acts XVI of 1874 and XII of 1876, respectively.] Opium Department, may be summoned under the provisions of the proceeding clause during the manufacturing season, the darogah of police shall, with the view preventing unnecessary interruption to the manufacturer, require the party summoned to appear in person or by vakil, either during or after the manufacturing season, as the circumstances of the case may dictate, subject to the future order of the Magistrate, to whom the darogah shall in each instance report the reasons which may have influenced him in the exercise of the discretion here vested in him. Third. - Rule for serving summonses on witnesses employed in the Company's arangs, and form of their recognizance. - Summonses to [* * *] [The word 'weavers' and the words 'manufacturers, molungees or to' were respectively repealed by Acts XVI of 1874 and XII of 1876.] any officers or persons [* * *] [The word 'engaged in the provision of the Company's investment or' were repealed by Act XVI of 1874.] employed in the [* * *] [The word 'commercial' and the words 'Salt or' were repealed by Acts XVI of 1874 and XII of 1876 respectively.] Opium Department, to attend as witnesses, shall be served in the manner directed by the preceding clauses of this section; but the [* * *] [The words 'Commercial Resident' and the words 'Salt or' were respectively repealed ibid.] Opium Agent, or the head [* * *] [The word 'Native' omitted, by the A.L.O. 1950.] officer of the arang, kothi or chauki, shall, instead of requiring the person summoned to give security or proceed to the thana, take from the witness a recognizance agreeable to the Form No. 13 of the Appendix, 12 and shall deliver the same to the officer serving the process. Fourth. - Warrants for offences not bailable to be served upon persons so employed, as upon others. - If a charge shall be preferred to a police darogah against any [* * *] [The words 'weaver' and 'molungee or any other manufacturer or' repealed by Acts XVI of 1874 and XII of 1876, respectively. The word 'any' after the repealed word 'or' is omit, as being redundant.] officer or person [* * *] [The word 'engaged in the provision of the Company's investment or' were repealed by Act XVI of 1874.] employed in the [* * *] [The word 'commercial' and the words 'Salt or' were repealed by Acts XVI of 1874 and XII of 1876 respectively.] Opium Department for an offence that is not bailable and there shall appear to the darogha of police sufficient ground under the provisions of this Regulation for apprehending the person so charged, the warrant for apprehension shall require him to attend immediately in person, and shall be executed in the same manner as upon persons not so employed. The darogah giving notice to Agent. - But the darogah, after securing the offender, is to give notice of his apprehension to the [* * *] [The words 'Commercial Resident' and 'Salt or' repealed by Acts XVI of 1874 and XII of 1876 respectively.] Opium Agent, or to the head officer of the nearest arang, kothi or chauki, as the case may be. Fifth to eight. - [Illicit salt]. - Repealed by Act VIII of 1875. Ninth : Police officers to suppress illicit cultivation of opium. - All officers of police are strictly enjoined, under pain of dismissal from office, to assist in suppressing the illicit cultivation, manufacture, sale, purchase, importation, transportation or possession of opium [* * *] [The words 'as required by the provisions of Regulation XIII, 1816, which are herein recapitulated for their information and guidance' repealed by Act XVI of 1874.]. Tenth and Eleventh - [Illegal cultivation of poppy]. - Repealed by Act XVI of 1874. Twelfth : Penalty for allowing illicit cultivation. - Any police darogah who shall knowingly permit the cultivation of the poppy within his jurisdiction, or who shall be convicted of conniving in any respect at the illicit cultivation of the poppy, shall, besides being liable to dismissal from office for neglect of duty, be further subject, on conviction before the Magistrate of the Zila, to the

payment of the fine stated in [Act [XIII of 1857] [Substituted for the words, 'S. XXXI, Regulation XIII, 1816', by Act XII of 1891.], Section 21] for whatever quantity of land shall have been so illegally cultivated within his jurisdiction within his knowledge or connivance; and the fine, if not duly paid shall be commutable to imprisonment for a period not exceeding six month. Miscellaneous Rules Regarding Forts, Armed Men, Military Stores, Dress of Sepoys or Lascars, and [* * *] [The word 'Badges' and the words 'and insane persons' after 'Roads' repealed by *ibid.*] Public Roads [* * *] [The word 'Badges' and the words 'and insane persons' after 'Roads' repealed by *ibid.*].

30.

First : Darogahs to report circumstances appearing dangerous to public peace. The darogahs of police shall uniformly report to the Magistrates whenever any individuals within their respective jurisdictions may entertain in their service any extraordinary number of armed men, or may commence building or repairing any fort or garhi, or collecting together any quantity of arms, ammunition or military stores. Second : To apprehend unauthorized persons dressed in uniform of sepoy. - The Darogahs of police are required to apprehend and send to the Magistrate all persons not actually in the [military service of the [Government] [Substituted by the A.L.O. 1937 for 'Hon'ble Company's military service.]] or belonging to persons specially exempted by Government from the operation of the rule obtained in the section above mentioned, who may be found dressed in the uniform of the [sepoy or lascars] [Substituted by the A.L.O. 1937 for 'Hon'ble Company's military service.'] in the service of the [(Government)] [Substituted by the A.L.O. 1950 for 'Crown'.], or in a dress so nearly approaching to that uniform as to enable the persons wearing it to impose themselves on the country people for sepoy and lascars. Third - [Unauthorized wearing of uniform.]. - Repealed by Act XVI of 1874. Fourth - [Darogahs to apprehend persons wearing badges.]. - Repealed by Act XVIII of 1835. Fifth : Darogahs to report encroachments on public roads. - The darogahs of police shall prevent all encroachments on the public roads, and shall, at the same time, report the circumstances of each case for the information of the Magistrate, and record an abstract of the same in his thanadari proceedings. Sixth - [Arrest of persons dangerously insane.]. - Repealed by Act XVI of 1874.

31.

[Judges of Circuit and Europeans.]. - Repealed by Act XVI of 1874.

32.

[Despatches of treasure.]. - Repealed by Act XII of 1876.

33. and 34.

[Rules relating generally to landholders, managers of estates, etc., police of cities.]. - Repealed by Act XVI of 1874. [Appendix] [Forms 1, 4, 5, 7, 9 to 12 and 15 to 21 repealed by Act XII of 1891. Forms 2, 3, 8 and '14 repealed by Bengal Reg. VII of 1829, and Form 6 by the N.W.P. Village and Road Police

Act, 1873 (Act XVI of 1873).][Form No. 13] [See Section 29, Clause third, supra.]Recognizance to be taken from a witnessWhereas I., inhabitant of. have been named as a witness in the case of. I hereby engage to appear before the Magistrate of the zila [or city] of on or before the. for the purpose of giving evidence; in default whereof I hereby further bind myself to pay such fine to Government as the Magistrate may Judge proper to impose upon me, as well as any expense that may be incurred in consequence of my non-attendance, for compelling my appearance: in this I will not fail. Dated [according to the current era].