

The Maharashtra State Commissioners of Police Act, 1959

MAHARASHTRA

India

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Act 56 of 1959

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The Maharashtra State Commissioners of Police Act, 1959 Act No. 56 of 1959 [14th October 1959] For Statement of Objects and Reasons, see Bombay Government Gazette, 1959, Part V, page 597. An Act to make provision for matters consequent on appointment of a Commissioner of police for any area in the State of Bombay outside Greater Bombay. Whereas it is expedient to make provision for matters consequent on appointment of a Commissioner of Police for any area in the State of Bombay outside Greater Bombay; It is hereby enacted in the Tenth Year of the Republic of India as follows :-

1. Short title, extent and commencement.

(1) This Act may be called [the Maharashtra State Commissioners of Police Act.] [This Short title was substituted for the Short title 'the Bombay State Commissioners of Police Act, 1959' by Maharashtra 24 of 2012, schedule entry No. 78, (w.r.e.f. 1-5-1960).] (2) It extends to the whole of the [State of Maharashtra] [These words were substituted for the words 'State of Bombay' by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960]. (3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. Definitions.

- In this Act, unless the context otherwise requires, -(a) "Commissioner of Police" means the Commissioner of Police appointed by the State Government for any area in the [State of Maharashtra] [These words were substituted for the words 'State of Bombay' by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960] outside Greater Bombay under the Bombay Police Act, 1951, and includes an Additional Commissioner of Police and a Deputy Commissioner of Police [* * *] [The words 'or Assistant Commissioner of Police' were deleted by Maharashtra 46 of 1962, Section 3. Schedule] who under the orders of the Commissioner of Police exercises and performs any of his powers and duties; (b) "existing law" means any enactment of a

Legislature or other competent Authority in relation to matters specified in Lists II and III in the Seventh Schedule to the Constitution of India in force in any part of the [State of Bombay] [The words 'State of Bombay' shall stand unmodified (vide by Maharashtra 46 of 1962).] immediately before the commencement of this Act [and in force in any part of the State of Maharashtra on the 1st day of May 1960] [This portion was Inserted by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order 1960.] and includes any rule, by-law, regulation, order, notification, scheme, form or other instrument having the force of law made, prescribed or issued under any such enactment;(c)"law for the time being in force" means any law relating to matters enumerated in Lists II and III in the Seventh Schedule to the Constitution of India and for the time being in force in any part of the [State of Maharashtra] [These words were substituted for the words 'State of Bombay' by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.];(d)"Schedule" means the Schedule appended to this Act.

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

(1)For the purpose of conferring powers and imposing duties on a Commissioner of Police and for certain other purposes, the enactments specified in column 1 of the Schedule shall be amended in the manner and to the extent specified in column 2 thereof.(2)The Commissioner of Police appointed under the Bombay Police Act, 1951, as amended by the Schedule shall exercise the powers and discharge the duties conferred and imposed on the Commissioner of Police for a presidency town or Greater Bombay by any law for the time being in force, including the enactments referred to in sub-section (1) as amended by the Schedule.(3)The State Government may by notification in the Official Gazette amend or delete any entry in the Schedule for the purpose of imposing any conditions or restrictions on the exercise of powers and discharge of duties conferred or imposed on the Commissioner of Police or withdraw them, as the case may be, and the Schedule shall be amended accordingly.(4)The State Government may confer and impose on the Commissioner of Police powers and duties under any other enactment for the time being in force and for that purpose may, by a notification in the Official Gazette, add to or specify in the Schedule the necessary adaptations and modifications in that enactment by way of amendment, and thereupon -(a)every such enactment shall accordingly be amended and have effect subject to the adaptations and modifications made, and(b)the Schedule shall be deemed to be amended by the inclusion therein of the said provision for amending the enactment.(5)The State Government may at any time in like manner cancel a notification under sub-section (4), and thereupon the relevant enactment shall stand unamended by the cancelled notification and the Schedule shall be altered accordingly.

4. Existing appointments, notifications, etc. by [Superintendent of Police] [These words were substituted for the words 'District Superintendent of police' by Maharashtra 46 of 1962, Section 3, Schedule.] and, where District Magistrate's powers are conferred in substitution on Commissioner of Police, by District Magistrate, to be deemed to have been made by Commissioner of Police.

- On the appointment of the Commissioner of Police for any area, any appointment, notification, order, rule, regulation, by-law, form, licence, instrument or, document made, prescribed, issued or executed or deemed, to have been made prescribed, issued or executed by the [Superintendent of Police] [These words were substituted for the words 'District Superintendent of policy' by Maharashtra 46 of 1962, Section 3, Schedule.] and, where any powers and duties of a District Magistrate are conferred in substitution on a Commissioner of Police by virtue of this Act or any enactment in the Schedule, by the District Magistrate, shall be deemed to have been made, prescribed, issued or executed by the Commissioner of Police and continue in operation unless and until it is superseded or modified by the Commissioner of Police.

5. Construction of references to [Superintendent of Police] [These words were substituted for the words 'District Superintendent of policy' by Maharashtra 46 of 1962, Section 3, Schedule.] in existing laws.

- Subject to the provisions made in the Schedule, when a Commissioner of Police is appointed for any area, all existing laws shall, unless the context otherwise requires, for the purposes of that area be construed as if references therein to the [Superintendent of Police] [These words were substituted for the words 'District Superintendent of policy' by Maharashtra 46 of 1962, Section 3, Schedule.] were reference to the Commissioner of Police.

6. Construction of references to [Superintendent of Police] [These words were substituted for the words 'District Superintendent of policy' by Maharashtra 46 of 1962, Section 3, Schedule.] and District Magistrate in instruments or document.

- All instruments or documents executed or made before the appointment of a Commissioner of Police for any area under or with reference to any existing law or any enactment specified in the Schedule shall, unless the context otherwise requires, be construed as if references therein to the [Superintendent of Police] [These words were substituted for the words 'District Superintendent of policy' by Maharashtra 46 of 1962, Section 3, Sch.] or, where any powers and duties of a District Magistrate are conferred in substitution on a Commissioner of Police by virtue of this Act or any enactment in the Schedule to the District Magistrate, were references to the Commissioner of Police for that area.

7. Pending proceedings before [Superintendent of Police] [These words were substituted for the words 'District Superintendent of policy' by Maharashtra 46 of 1962, Section 3, Schedule] and District Magistrate.

- All proceedings, including proceedings by way of appeals, revision or review, pending under any existing law before the [Superintendent of Police] [These words were substituted for the words 'District Superintendent of policy' by Maharashtra 46 of 1962, Section 3, Schedule.] or, where any powers and duties of a District Magistrate, are conferred in substitution on a Commissioner of

Police by virtue of the Act or any enactment in the Schedule, before the District Magistrate, immediately before the date of appointment of the Commissioner of Police for any area, shall be transferred to the Commissioner of Police for that area for disposal according to law.

8. Pending legal proceedings.

- If on the date of appointment of a Commissioner of Police for any area, any legal proceedings are pending to which a [Superintendent of Police] [These words were substituted for the words 'District Superintendent of policy' by Maharashtra 46 of 1962, Section 3, Schedule] is a party or where any powers and duties of a District Magistrate are conferred in substitution on a Commissioner of Police by virtue of this Act or any enactment in the Schedule, a District Magistrate for that area is a party, the Commissioner of Police shall be substituted for the [Superintendent of Police] [These words were substituted for the words 'District Superintendent of policy' by Maharashtra 46 of 1962, Section 3, Schedule.] or, as the case may be, for the District Magistrate in the said proceedings.

9. Power to remove difficulties.

- If any difficulty arises in giving effect to the provisions of this Act, the State Government may by order do anything not inconsistent with such provisions which appears to it to be necessary or expedient for the purpose of removing the difficulty.

Schedule

(See section 3)

1

The Bombay Police Act, 1951 (Bombay XXII of 1951).

2

1. In Section 2, in clause (5), for the words "GreaterBombay" the words and figure "any area for which aCommissioner of Police has has been appointed under section 7"shall be substituted.2. In section 11,-(a) in sub-section (1), for thewords "for Greater Bombay" the words and figure "forany area for which a Commissioner of Police has been appointedunder section 7" shall be substituted.(b) for the marginal note, thefollowing shall be substituted namely,-"Superintendents withinjurisdiction of Commissioners."3. In section 12, in sub-section (1),-(a) for the words "forGreater Bombay" the words "for any area" shallbe substituted;(b) for the words "withinthe Greater Bombay" the words "within the area underhis charge" shall be substituted.4. In section 33, in sub-section (4), for the words "anyarea outside Greater Bombay" the words "any areawhich is not under the charge of a Commissioner" shall besubstituted.5. In section 63AA, in sub-section (1), for the words "inGreater Bombay" the Words "in any area for which aCommissioner is appointed" shall be substituted.6. In section 82, in sub-section (2), for the words "InGreater Bombay" the words "In any

area for which a Commissioner has been appointed" shall be substituted.7. In section 83,-(a) in sub-section (1), for the words "In Greater Bombay" the words "In any area under the charge of a Commissioner" shall be substituted.(b) in sub-section (2), for the words "In areas outside Greater Bombay" the words "In areas outside the charge of a Commissioner" shall be substituted.8. In section 89, for the words "In any area outside Greater Bombay" the words "In any area outside Greater Bombay" the words "In any area outside the charge of a Commissioner" shall be substituted.9. In section 90, in sub-section (1) for the words "In Greater Bombay" the words "In any area under the charge of a Commissioner" shall be substituted.10. In section 90A, in sub-section (1) for the words "Greater Bombay" the words "any area under the charge of a Commissioner" shall be substituted.-11. In section 91, for the words "Greater Bombay" the words "any area under the charge of a Commissioner" shall be substituted.-12. In section 95, in sub-section (1) for the words "Greater Bombay" the words "any area under the charge of a Commissioner" shall be substituted.13. In section 96,-(a) in sub-section (1), in clause (i) for the words "Greater Bombay" the words "any area under the charge of a Commissioner" shall be substituted;(b) in sub-section (2), for the words "Greater Bombay" the words "and any, under the charge of a Commissioner" shall be substituted;(c) in sub-section (3), after the words "Greater Bombay" the words "any area other area for which a Commissioner" has been appointed" shall be inserted.14. In section 119, for the words "outside Greater Bombay" the words "in any area for which a Commissioner has not been appointed" shall be substituted.15. In Scheduled II, for the words "Greater Bombay" the following shall be substituted, namely:- Greater Bombay/Area under the charge of the Commissioner for".

The Code of Criminal Procedure, 1898 (V of 1898).

1. In section 83, in sub-section (1), the words "in a presidency-town" shall be deleted.2. In section 85, the words "in a presidency-town" shall be deleted.3. To section 373, the following proviso shall be added, namely:- "Provided further that if the proceedings were commenced in any area outside Greater Bombay for which a Commissioner of Police has been appointed the Court of Session shall send such copy to the Commissioner of Police for that area."

The Bombay Prevention of Gambling Act, 1887 (Bombay IV of 1887).

1. In section 6, in clause (i) for the words "in the Greater Bombay" the words "in any area for which a Commissioner of Police has been appointed" shall be substituted.2. In section 11, for the words "in the Greater Bombay" the words "in any area for which a Commissioner of Police has been appointed" shall be substituted.

The Bombay Public Conveyances Act, 1920 (Bombay VII of 1920).

1. In section 2, for clause (a) the following shall be substituted, namely:- "(a) 'Commissioner of Police' means-(i) the Commissioner of Police for Greater Bombay, and (ii) where the rest of the Act or any

portion thereof has been extended to any other area and a Commissioner of Police has been appointed for that area, the Commissioner of Police for that area; and includes any person authorised by the Commissioner or Police concerned to exercise or perform any power or duty imposed or conferred on him by this Act;" 2. In section 36, in sub-section (2) in clause (a) after word "shall" the words "where no Commissioner of Police has been appointed" shall be inserted.

The Bombay Entertainments Duty Act, 1923 (Bombay 1 of 1923)	1. In section 6, in sub-section (1) for the words "the Greater Bombay" the words "any area for which a Commissioner of Police has been appointed" shall be substituted. 2. In section 8, in sub-section (1) for the words "in The Greater Bombay" the words "in any Area for which a Commissioner of Police has been appointed" shall be substituted.
The Bombay Beggars Act, 1945 (Bombay XXIII of 1945).	In section 28, in sub-section (1) for the words "in the Greater Bombay" the words "in any area for which a Commissioner or Police has been appointed" shall be substituted.
The Bombay Provincial Municipal Corporations Act, 1949 (Bombay LIX of 1949).	In section 234, for the portion beginning with the words "With the concurrence" and ending with the words "from time to time" the following shall be substituted, namely:—"With the concurrence, in any area for which a Commissioner of Police has been appointed, of the Commissioner of Police or any officer nominated by him and elsewhere, of the District Magistrate or any officer nominated by him,"
The Indian Lunacy Act, 1912 (IV of 1912).	The Indian Lunacy Act, In section 17, -(a) for the words "in the Presidency-towns" the words "in the areas for which the Commissioners of Police have been appointed" shall be substituted; (b) for the words "any of the Presidency-towns" the words "any of the said areas" shall be substituted; (c) in the marginal note, for the words "in the Presidency-town" the words "in the area under his charge" shall be substituted.
The Identification of Prisoners Act, 1920 (XXXIII of 1920).	In section 7, for the words "in Greater Bombay" the words "in any area for which a Commissioner of Police has been appointed" shall be substituted.
The Police (Incitement to Disaffection) Act, 1922 (XXII of 1922).	In section 5, after the words "a Presidency-town" the words "or any other area under the charge of a Commissioner of Police," shall be inserted,
The Prevention of Corruption Act, 1947 (II of 1947).	In section 5A, in clause (b) after the words "presidency town of Bombay" the words "and any other area for which a Commissioner of Police has been appointed" shall be inserted.