

POLICE ACT, 1888

3 of 1888

[[17th February, 1888.]]

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STATEMENT OF OBJECTS AND REASONS "Under the provisions of the various Police Acts in force in British India, namely. Acts 24 of 1859 and 5 of 1861 and Bombay Act 7 of 1867, the employment of police officers is restricted to the presidency, province or place of the police establishment of which they are members. These provisions cause much inconvenience. In the case of a railway system passing through territories under the administration of different Local Governments, they necessitate the employment of a different police force under [he control of a different authority for each portion of the line which is within the limits of the territories of a different Local Government. On the North Western Railway, for example, there are at present no less than seven different forces of police under the control of various authorities. Again these provisions prevent even the temporary employment, on an emergency, of police officers of one province in any part of another province. With the object of removing these inconveniences this Bill has been prepared. In order to provide for the employment, under the control of one police authority, of one police force within limits which are not conterminous with the limits of a Local Administration, the Bill empowers the Governor-General in Council

to create general police districts embracing parts of two or more provinces and to enrol for service therein a special police force under special police authorities, and it further authorises the temporary employment of police officers in places beyond the presidency or general police district to which they belong."-Gaz. of Ind., 1888, Part V, page 130.

1. Title and extent :-

This Act may be cited as the ¹Mumbai Municipal Corporation] Act.
²It extends only to ³ [Brihan Mumbai]

2 \Constitution of police forces for special purposes

[. .-

(1) Notwithstanding anything in Madras District Police Act, 1859, Police Act, 1861 , Bombay District Police Act, 1890, or any Act relating to the police in any Presidency-town, the Central Government may. by notification, in the Official Gazette, create a special police district embracing parts of two or more [States], and extend to every part of the said district the powers and jurisdiction of members of a police force belonging to [a State] specified in the notification.

(2) Subject to any orders which the Central Government may make in this behalf, members of the said police force shall have. within every part of any [State] of which any part is included in the said district, the powers, duties, privileges and liabilities which, as police officers, they have in their own [State].

(3) Any member of the said police force whom the Central Government shall generally or specially empowers to act under this sub-section may, subject to any orders which the Central Government may make in this behalf, exercise within any [State] any part of which is included in the said district any of the powers of the officer in charge of a police station in the [State], and when so exercising any such powers, shall, subject to any such order as aforesaid, be deemed to be an officer in charge of a police station discharging the functions of such an officer within the limits of his station.

(4) A part of a [State] included in the said district shall not by reason of that inclusion cease for the purposes of any enactment relating to police to be part of that [State].]

3. Employment of police officers beyond the State to which they belong :-

In this Act, unless there be something repugnant in the subject or context,- ¹

(a) "the city" means the area specified in Part I of Schedule A to the Greater Bombay Laws and the Bombay High Court (Declaration of Limits) Act, 1945;

²[(aa) "extended suburbs"- means the area specified in Part IV of Schedule A to the Greater Bombay Laws and the Bombay High Court (Declaration of Limits) Act, 1945];

(al) ³[Brihan Mumbai] means the areas specified in Parts I, II and III of Schedule A to the Greater Bombay Laws and the Bombay High Court (Declaration of Limits) Act, 1945, ⁴[and on and from the date of commencement of the Bombay Municipal [Further Extension of Limits and Schedule BBA (Amendments)] Act, 1956, includes the extended suburbs i.e. the area specified in Part IV of this Schedule]; ⁵[specified as the larger urban area in the notification issued in respect thereof under clause (2) of Article 243-Q of the Constitution of India].

(a2) "the suburbs" means the area specified in Parts II and III of Schedule A to the Greater Bombay Laws and the Bombay High Court (Declaration of Limits) Act, 1945];

(a3) "Backward Class of Citizens" means such classes or parts of or groups within such classes as are declared, from time to time, by the State Government to be Other Backward Classes and Vimukta Jatis and Nomadic Tribes;]⁶

(b) "the Corporation" means the Municipal Corporation of ⁴[Brihan Mumbai], constituted or deemed to have constituted under this Act;]

⁷[

(c) "Councilor" means a person duly elected as a member of the Corporation; and includes a nominated Councillor who shall not have the right,-

(i) to vote at any meeting of the Corporation and Committee of the Corporation; and

(ii) to get elected as a Mayor of the Corporation or a Chairperson of

any of the Committees of the Corporation;

8

(cc) "Commission" means the Public Service Commission constituted for the State of Bombay under the Constitution of India;]

(d) "the Commissioner" means the Municipal Commissioner for **9**[Brihan Mumbai] appointed under section 54 and includes **10**[an Additional Municipal Commissioner appointed under sub-section (3) of Section 54 and] an acting Commissioner appointed under sub-section (3) of Section 59;

(e) "Deputy Commissioner" means a Deputy Municipal Commissioner appointed under section 55, **11**[and the Deputy Municipal Commissioner (Improvements) appointed under section 56A] and includes an acting Deputy Commissioner appointed under sub-section (3) of Section 59 **12**[and an additional Deputy Municipal Commissioner appointed under sub-section (1A) of Section 55]; **13**[

(ea) "Director" means the Director (Engineering Services and Projects) appointed under section 54A;]

(f) "the Police Commissioner" means the Commissioner of Police **9**[Brihan Mumbai]

15[

(g) "Education Officer" means the Municipal Education Officer appointed under Section 76A and includes an acting Municipal Education Officer appointed under Section 85];

16[

(h) "election" means an election to fill a seat or seats of a Councillor]; or Councillors under this Act.

17[

(i) "Assembly constituency" means a constituency provided by law for the purpose of elections to the Maharashtra Legislative Assembly, or any part thereof, which is for the time being comprised in **18**[Brihan Mumbai];

(j) "Assembly roll" means the electoral roll prepared for any Assembly Constituency in accordance with the provisions of the

Representation of the People Act, 1950];

(k) "licensed plumber" and "licensed surveyor" means respectively, a person licensed by the Commissioner for the purposes of this Act as a plumber or surveyor under section 355; **17**[

(ka) "Schedule Castes" means such castes, races or tribes or parts of, or groups within, such castes, races or tribes as are deemed to be Schedule Castes in relation to the State of Maharashtra under article 341 of the Constitution of India;

(kb) "Schedule Tribes" means such tribes or tribal communities or parts of, or groups within, tribes or tribal communities as are deemed to be Scheduled Tribes in relation to the State of Maharashtra under article 342 of the Constitution of India;]

(l) "Small Cause Court" means the Court of Small Causes of Bombay; **20**[

(la) "State Election Commission" means the State Election Commission consisting of the State Election Commissioner appointed in accordance with the provisions of clause (1) of article 243-K of the Constitution of India;]

(m) "owner" when used in reference to any premises, means the person who receives the rent of the said premises, or who would be entitled to receive the rent thereof if the premises were let, and includes-

(i) an agent or trustee who receives such rent on account of the owner, and

(ii) an agent or trustee who receives the rent of, or is entrusted with, or concerned for, any premises devoted to religious or charitable purposes, and

(iii) a receiver, a sequestrate, or manager, appointed by any Court of competent jurisdiction to have the charge of, or to exercise the rights of an owner of the said premises;

(n) a person is deemed "to reside" in any dwelling which he sometimes uses, or some portion of which he sometimes uses, though, perhaps, not uninterruptedly, as a sleeping apartment; and a person is not deemed to cease "to reside" in any such dwelling merely because he is absent from it, or has elsewhere another dwelling in which he resides, if there is the liberty of returning to it

at any time and no abandonment of the intention of returning thereto;

(o) the term "public securities" means securities of the ²¹[Central Government] and any securities guaranteed by ²²[the Central or any ²³[State] Government], securities of the Bombay Port Trust, securities issued under this Act and any Bombay Municipal debentures or other securities heretofore issued ²⁴[and any debentures or other securities issued under the City of Bombay Improvement Act, 1898, and the City of Bombay Improvement Trust Transfer Act, 1925];

(p) "tax" includes any impost leviable under this Act; ²⁵[

(pa) "article" in relation to octroi means any goods;]

(q) "vehicle" includes a carriage, cart, van, dray, truck, handcart and wheeled conveyance of any description capable of being used on the streets of the city;

(r) "land" includes land which is ²⁶[being built upon or is built] upon or covered with water, ²⁷[benefits to arise out of land, things attached to the earth or prominently fastened to anything attached to the earth and rights created by legislative enactment over any street];

(s) "building" includes a house, outhouse, stable, shed, hut ²⁸[tank (except tank for storage of drinking water in a building or part of a building)] and every other such structure, whether of masonry, bricks, wood, mud, metal or any other material whatever; ²⁹[

(sa) "tenement" means a building or a part of a building, other than a temporary building or a part thereof, let or intended to be let or occupied separately;

(sb) "temporary building" means any building which is constructed principally of mud, leaves, grass, cloth, thatch, wood, corrugated iron or asbestos cement sheets or such other material and includes a building of whatever size constructed of whatever material which the Commissioner has allowed to be built as a temporary measure;]

(t) "waterwork" includes a lake, stream, spring, well, pump, reservoir, cistern, tank, ³⁰[tunnel,] duct, whether covered or open, sluice, main pipe, culvert, engine and any machinery, land, building, or thing for supplying or used for supplying water;

(u) "drain" includes a sewer, pipe, ditch, channel **32**[tunnel] and any other device for carrying off sewage, offensive matter, polluted water, sullage, waste water, rain water or sub-soil water, and any ejectors, compressed air mains, sealed sewage mains and special machinery or apparatus for raising, collecting, expelling or removing sewage or offensive matter to the sewage outfall];

(v) "house gully" means a passage or strip of land constructed, set apart or utilized for the purpose of serving as a drain of affording access to a privy, urinal, cesspool or other receptacle for filthy or polluted matter, to municipal servants or to persons employed in the cleaning thereof or in the removal of such matter therefrom;

(w) "street" includes any highway and any causeway, bridge, via duct, arch road, lane, footway, square, court, alley or passage, whether a thoroughfare or not, over which the public have a right of passage or access or have passed and has access uninterruptedly for a period of twenty years; and, when there is a footway as well as carriageway in any street, the said term includes, both;

(x) "public street" means any street heretofore levelled, paved, metalled, channelled, sewered or repaired by the Corporation and any street which becomes a public street under any of the provisions of this Act; **33**[or which vests, in the Corporation as a public street];

(y) "private street" means a street which is not a public street; **34**[

(yy) "trade refuse" means and includes the refuse of any trade, manufacture or business];

(z) "nuisance" includes any act, omission, place, or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smelling or hearing, or which is or may be dangerous to life or injurious to health or property;

(aa) "dangerous disease" means cholera and any endemic, epidemic, or infectious disease by which the life of man is endangered;

(bb) "official year" means the year commencing on the first day of April;

(cc) "public holiday" means a day or other period of time on or

during which by an order of ³⁵[the ³⁶[State] Government] published in the [Official Gazette] Government offices in the city are closed;

(dd) "sub-section" and "clause" denote, respectively, a sub-section or clause of the section in which the word occurs;

[

(ee) "bakehouse" means any place in which are baked bread, biscuits or confectionery, from the baking or selling of which a profit is derived;

(ff) "eating-house" means any premises to which the Public are admitted and where any kind of food is prepared or supplied or consumption on the premises for the profit or gain of any person owning or having an interest in or managing such premises;

(gg) "premises" includes messuages, buildings and lands of any tenure, whether open or enclosed, whether built on or not and whether public or private];

33[

(hh) "a sweetmeat shop" means any premises or part of any premises used for the manufacture, treatment or storing for sale, or for the sale, wholesale or retail, of any ice cream, confectionaries or sweatmeats whatsoever intended, and by whatsoever name the same may be known, and whether the same be for consumption on or outside the premises]; ³⁴[* * * * *]

39[

(II) "market" includes any place where persons assemble for the sale of, or for the purpose of exposing for sale, meat, fish, fruit, vegetables, animals intended for human food or any other articles of human food whatsoever, with or without the consent of the owner of such place, notwithstanding that there may be no common regulation of the concourse of buyers and sellers and whether or not any control is exercised over the business of or the persons frequenting the market by the owner of the place or any other person;]

40[

(mm) "the ⁴¹[Brihan Mumbai Electric Supply and Transport Undertaking] means all undertakings acquired, organised,

constructed, maintained, extended, managed or conducted by the Corporation for the purpose of providing tramways, trackless trams or mechanically propelled transport facilities for the conveyance of the public or for the purpose of supplying electrical energy to the public and includes all movable and immovable property and rights vested or vesting in the Corporation for the purposes of every such undertaking;

(nn) "the General Manager" means the General Manager of the ³⁷[Brihan Mumbai Electric Supply and Transport Undertaking] appointed under Section 60A and includes an acting General Manager appointed under Section 60B)]

⁴³[

(oo) "Wards Committee" means a Wards Committee constituted under section 50TT;

(pp) "Finance Commission" means the Finance Commission constituted in accordance with the provisions of Article 243-1 of the Constitution of India;]

⁴⁴[

(qq) "Mayor" means the Mayor of the Corporation elected by the elected Councillors from amongst themselves under section 37IB;

(rr) ⁴⁵[* * *]

(ss) ⁴⁶ [* * *]

(tt) "prescribed" means prescribed by rules made under this Act.]

4 \ Consent of State Government to exercise of powers and jurisdiction

[. .- Nothing in this Act shall be deemed to enable the police of one [State] to exercise powers and jurisdiction in any area within another [State], not being a railway area. without the consent of the Government of that other [State].]

1. Section 5 A was inserted by Mah. 41 of 1994, s. 6