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PART IV

**Acts of the Gujarat Legislature and Ordinance promulgated and
Regulations made by the Governor.**

The following Act of the Gujarat Legislature having been assented to by the Governor on the 3rd March, 1978 is hereby published for general information.

S. L. TALATI,
Secretary to the Government of Gujarat,
Legal Department.

GUJARAT ACT NO. 16 OF 1978.

(First published after having received the assent of the Governor in the "Gujarat Government Gazette" on the 9th March, 1978).

An Act further to amend the Bombay Police Act, 1951.

It is hereby enacted in the Twenty-ninth Year of the Republic of India as follows:—

1. This Act may be called the Bombay Police (Gujarat Amendment) Act, 1977.

2. In section 8 of the Bombay Police Act, 1951 (hereinafter referred to as "the principal Act"), in sub-section (3), for the words "conferred on him by or under this Act to an Assistant or Deputy Superintendent", the words "conferred on him by or under this Act, except the power to make, alter or rescind rules or orders under section 33, to an Assistant or Deputy Superintendent" shall be substituted.

Amendment
of section 8
of Bom. XXI I
of 1951.

Amendment
of section 9
of Bom. XXII
of 1951.

3. In the principal Act, in section 9, for the words "Principal of any Police Training School", the words "Principal of any Police Training College or School" shall be substituted.

Amendment
of section 25
of Bom.
XXII of
1951.

4. In the principal Act, in section 25, in sub-section (2), in clause (b),—

(i) for the words "a Police Training School", the words "a Police Training College or School" shall be substituted;

(ii) for the words "school" wherever it occurs, the words "college or school" shall be substituted.

Amendment
of section 27
of Bom.
XXII of
1951.

5. In the principal Act, in section 27, the following shall be added at the end, namely:—

"Such appeal shall be filed within a period of sixty days from the date of the order appealed against."

Insertion of
new section
27A in Bom.
XXII of
1951.

6. In the principal Act, after section 27, the following new section shall be inserted, namely:—

Revisional
powers of
State
Government,
Inspector
General and
Deputy
Inspector
General.

"27A. The State Government, the Inspector General or a Deputy Inspector General may, *suo motu* or on an application made to him within the prescribed period in this behalf, call for and examine the record of any inquiry or proceeding of any subordinate police officer under this Chapter, for the purpose of satisfying itself or himself, as the case may be, as to the legality or propriety of any decision or order passed by, and as to the regularity of the proceedings of, such officer, and may, at any time,—

- (a) confirm, modify or reverse any such order,
- (b) impose any penalty or set aside, reduce, confirm or enhance the penalty imposed by such order,
- (c) direct that further inquiry may be held, or
- (d) make such other order as, in the circumstances of the case, it or he may deem fit:

Provided that an order in revision imposing or enhancing penalty shall not be passed unless the police officer affected thereby has been given a reasonable opportunity of being heard:

Provided further that no order in revision shall be passed—

- (i) in a case where an appeal against the decision or order passed in such inquiry or proceeding has been filed, when such appeal is pending;

(ii) in a case where an appeal against such decision or order has not been filed, before the expiry of the period provided for filing such appeal; and

(iii) in any case after the expiry of a period of three years from the date of the decision or order sought to be revised.”.

7. In the principal Act, in section 29,—

(a) in sub-section (1), for the words “a Police Training School”, the words “a Police Training College or School” shall be substituted;

Amendment
of section 29
of Bom.
XXII of
1951.

(b) in sub-section (3), for the words “the Police Training School”, the words “the Police Training College or School” shall be substituted.

8. In the principal Act, in section 30,—

(a) in sub-section (1), for the words “the Police Training School”, the words “the Police Training College or School” shall be substituted;

Amendment
of section 30
of Bom.
XXII of
1951.

(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.

9. In the principal Act, in section 33,—

(a) in sub-section (1), for the words beginning with the words “The Commissioner and the District Magistrate” and ending with the words “with this Act for” the following shall be substituted, namely:—

Amendment
of section 33
of Bom.
XXII of
1951.

“The Commissioner, with respect to all or any of the following matters specified in this sub-section and the District Magistrate, with respect to all or any of the said matters except the matters referred to in sub-section (1AA), may make, alter or rescind rules or orders not inconsistent with this Act, in areas under their respective charges or any part thereof, namely:—”;

(b) after sub-section (1), the following sub-section shall be inserted, namely:—

“(1AA) A District Superintendent may, in areas under his charge or any part thereof, make, alter or rescind rules or orders not inconsistent with this Act, with respect to all or any of the matters specified in clauses (d), (db), (e) and (g) read with clause (y) of sub-section (1) :

Provided that the rules and orders made by a District Magistrate under sub-section (1) for any of the matters specified in the said clauses and in force in any area immediately before the commencement of the Bombay Police (Gujarat Amendment) Act, 1977, shall continue in force therein as if made by the District Superintendent under this sub-section, until altered or repealed or amended by a competent authority.”;

(c) in sub-section (6), in the proviso, for the words “the Commissioner or the District Magistrate”, the words “the Commissioner, the District Magistrate, or as the case may be, the District Superintendent”, shall be substituted.

Deletion of
section 42 of
Bom. XXII
of 1951.

10. In the principal Act, section 42 shall be deleted.

Amendment
of section 56
of Bom.
XXII of
1951.

11. In the principal Act, in section 56, the word "specially" shall be deleted.

Amendment
of section 57
of Bom. XXII
of 1951.

12. In the principal Act, in section 57, the word "specially" shall be deleted.

Amendment
of section 63
of Bom.
XXI, I of
1951

13. In the principal Act, in section 63, in sub-section (1), the word "specially" shall be deleted.

Amendment
of section 85
of Bom.
XXII of
1951.

14. In the principal Act, in section 85,—

(1) in sub-section (1), for the portion beginning with the words "to appear before" and ending with the words "of such proclamation", the following shall be substituted, namely :—

"to appear before himself or some other officer whom he appoints in this behalf within three months from the date of such proclamation and establish his claim within a period not exceeding three months after such appearance;

Provided that the Commissioner, the Magistrate or the concerned Officer, may, in any appropriate case, for reasons to be recorded in writing, extend the said period of three months for establishment of the claim by such further period and subject to such conditions as he may deem fit.";

(2) in sub-section (2), for the words "five rupees", the words "fifty rupees" shall be substituted.

Amendment
of section 87
of Bom.
XXII of
1951.

15. In the principal Act, in section 87, for the words "establishes his claim to such property within the period specified in the proclamation", the following shall be substituted, namely :—

"appears within the period specified in the proclamation under sub-section (1) of section 85 and establishes his claim to the property within the period specified in the said sub-section (1)".

Deletion of
section 138
of Bom. XXII
of 1951.

16. In the principal Act, section 138 shall be deleted.

Amendment
of section
161 of
Bom. XXII
of 1951.

17. In the principal Act, in section 161, in sub-section (1), and in the marginal note thereto, for the words "six months" the words "one year" shall be substituted.