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PART IV

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

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The following Act of the Gujarat Legislature, having been assented to by the Governor on the 6th November 1961, is hereby published for general information.

M. G. MONANI,
Secretary to the Government of Gujarat,
Legal Department.

GUJARAT ACT No. XXXIV OF 1961

(First published, after having received the assent of the Governor
in the "Gujarat Government Gazette" on the 18th November 1961)

An Act to extend the Bombay Village Police Act, 1867, throughout
the State of Gujarat and further to amend it for certain purposes.

It is hereby enacted in the Twelfth Year of the Republic of India as follows:—

1. (1) This Act may be called the Bombay Village Police (Gujarat
Extension and Amendment) Act, 1961.

(2) It shall come into force on such date as the State Government may,
by notification in the Official Gazette, appoint.

Short title
and
commence-
ment.

Amendment
of section 1
of Bom. VIII
of 1867.

2. In section 1 of the Bombay Village Police Act, 1867,—

- (i) for the words “Police-officer” and “District-police” the words “and “Police-officer”” shall be substituted; Bom.
VIII
of
1867.
Bom.
XXII
of
1951.
- (ii) for the words and figures “those constituted under the Bombay District Police Acts, 1867 and 1890” the words and figures “officers so appointed or deemed to be appointed under the Bombay Police Act, 1951” shall be substituted.

Insertion
of section
2 in Bom.
VIII of
1867.

3. After section 1 of the Bombay Village Police Act, 1867, the following section shall be inserted, namely:—

Extent.

“2. On and from the commencement of Bombay Village Police (Gujarat Extension and Amendment) Act, 1961, this Act shall extend also to that part of the State of Gujarat to which it did not extend before such commencement.” Guj.
XXX-
IV of
1961.

Amendment
of section 5
of Bom.
VIII of
1867.

4. In section 5 of the Bombay Village Police Act, 1867, as extended throughout the State of Gujarat (hereinafter referred to as “the principal Act”) after sub-section (3), the following sub-section shall be inserted, namely:—

“(4) The powers of the State Government under this section may also be exercised by the Magistrate of a district.”

Amendment
of section 6
of Bom.
VIII of
1867.

5. In section 6 of the principal Act, for the words “District-Police” the words “the Police-Officer in charge of the District Police-Station within the limits of which the village is situated,” shall be substituted.

Amendment
of section 9
of Bom.
VIII of 1867.

6. In section 9 of the principal Act, for the words beginning with the words “If the Magistrate is of opinion” and ending with the words “as it may think fit” the following shall be substituted, namely:—

“dismiss him :

Provided that, in the case of a Police-patel appointed by the State Government or of a Police-patel who holds his office under the provisions in force for regulating the services of hereditary officers, the Magistrate shall, if he is of the opinion that the Police-patel should be dismissed, refer his case to the State Government which may pass such orders thereon as it may think fit.”

Amendment
of section 13
of Bom.
VIII of
1867.

7. In section 13 of the principal Act, in sub-section (1),—

- (i) the words “not being a case in which it is competent for him to inflict punishment,” shall be deleted; and
- (ii) for the words “record their evidence on solemn affirmation” the words “record their statements” shall be substituted.

Amendment
of section 19
of Bom.
VIII of 1867.

8. In section 19 of the principal Act,—

- (a) for the words and figures “the Bombay District Police Act, 1867” the words and figures, “the Bombay Police Act, 1951” shall be substituted;

Bom. XXII of 1951. I of 1871. (b) for the words, figures and brackets "Act III of 1857 (*an Act relating to trespasses by cattle*)" the words and figures "the Cattle-trespass Act, 1871 or any law corresponding to that Act in force" shall be substituted; and

(c) for the words "that enactment" the words "that enactment or law" shall be substituted.

9. After section 24 of the principal Act, the following section shall be inserted, namely :—

Insertion
of new section 25 in
Bom. VIII
of 1867.

Guj. XXX-IV of 1961. Sau. Ord. XXXII of 1949. "25. (1) On the commencement of the Bombay Village Police (Gujarat Extension and Amendment) Act, 1961, the Saurashtra Village Police Ordinance, 1949 and the Bombay Village Police Act, 1867 as extended to the Kutch area of the State of Gujarat shall stand repealed. Repeal and saving

Bom. VIII of 1867. (2) The provisions of the Bombay General Clauses Act, 1904, shall apply to such repeal :

Bom. I of 1904. Provided that anything done or any action taken under the provisions of the laws hereby repealed shall be deemed to have been done or taken under the corresponding provisions of this Act and shall continue in force until superseded by anything done or any action taken under the provisions of this Act."