



महाराष्ट्र शासन राजपत्र

असाधारण
प्राधिकृत प्रकाशन

गुरुवार, ऑक्टोबर २३, २००८/कार्तिक १, शके १९३०

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागाला वेगळे पृष्ठ क्रमांक दिले आहेत.

भाग आठ

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Bombay Police (Amendment) Ordinance, 2008 (Mah. Ord. IX of 2008) is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

H.B. PATEL,
Secretary to Government,
Law and Judiciary Department.

(Translation in English of the Bombay Police (Amendment) Ordinance, 2008 (Mah. Ord. IX of 2008), published under the authority of the Governor).

HOME DEPARTMENT

Mantralaya, Mumbai 400 032, dated the 23rd October 2008.

MAHARASHTRA ORDINANCE NO. IX OF 2008.

AN ORDINANCE

further to amend the Bombay Police Act, 1951.

WHEREAS both Houses of the State Legislature are not in session ;

AND WHEREAS the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action further to amend the Bombay Police Act, 1951, for the purposes hereinafter appearing ;

Bom.
XXII
of
1951.

(७१६)

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Maharashtra is hereby pleased to promulgate the following Ordinance, namely :—

Short title
and
commencement.

1. (1) This Ordinance may be called the Bombay Police (Amendment) Ordinance, 2008.

(2) It shall come into force at once.

Amendment of
section 51 of
Bom. XXII of
1951.

2. In section 51 of the Bombay Police Act, 1951 (hereinafter referred to as "the principal Act"),—

Bom.
XXII
of
1951.

(a) for sub-section (1), the following sub-section shall be substituted, namely :—

"(1) When any loss or damage is caused to any property or when death results or grievous hurt is caused to any person or persons, by anything done in the prosecution of the common object of an unlawful assembly, the District Magistrate may, by order, specify,—

(a) the area (hereinafter called "the disturbance area"), in which in his opinion such unlawful assembly was held ;

(b) the date on which or the period during which such unlawful assembly was held.;"

(b) in sub-section (2), for the words "State Government" the words "District Magistrate" shall be substituted ;

(c) in sub-section (3), for the words, brackets and figure "issue of a notification under sub-section (1), the Chief Presidency Magistrate in Greater Bombay, and the District Magistrate in district, with the previous sanction of the Revenue Commissioner," the words, brackets and figure "issue of an order under sub-section (1), the District Magistrate" shall be substituted ;

(d) in sub-section (4),—

(i) for the words "Chief Presidency Magistrate or the District Magistrate, as the case may be," the words "District Magistrate" shall be substituted ;

(ii) in clauses (a) and (b), for the words "the Collector or any other authority", wherever they occur, the words "or any other authority authorised by the Collector" shall be substituted ;

(iii) in clause (c), for the words "the Collector or any other authority" the words "any authority authorised by the Collector" shall be substituted ;

(iv) for the words "or specially from any particular section or sections, or class or classes of such persons in the said area, and in such proportion as the Chief Presidency Magistrate or" the words, brackets and figure "or the members of the unlawful assembly as specified in sub-section (1), or specially from any particular section or sections, or class or classes of such persons and in such proportion as" shall be substituted ;

(e) after sub-section (4), the following sub-section shall be inserted, namely :—

“(4A) If the District Magistrate observes that the amount of compensation as determined under sub-section (3), either in whole or in part is to be recovered from persons or section or sections or class or classes of such persons are inhabitants of the area, which is beyond the area of his jurisdiction, the District Magistrate, shall send the information, along with his report, to the District Magistrate of the district in whose jurisdiction such persons or section or sections or class or classes of such persons are residing, to recover the amount from them. On receiving such information, the District Magistrate of such area shall recover the amount of compensation in the manner as provided under this section.”;

(f) in sub-section (5),—

(i) in clause (i), for the words “ Chief Presidency Magistrate or the District Magistrate, as the case may be,” the words “ District Magistrate ” shall be substituted ;

(ii) in clause (ii), for the words “ Chief Presidency Magistrate, or the District Magistrate, as the case may be,” the words “ District Magistrate ” shall be substituted ;

(g) in sub-section (8), for the words “ Chief Presidency Magistrate, or the District Magistrate, as the case may be,” at both the places, where they occur, the words “ District Magistrate ” shall be substituted ;

(h) in sub-section (9), for the words “ Chief Presidency Magistrate or the District Magistrate, as the case may be ” the words “ District Magistrate ” shall be substituted ;

(i) in sub-section (10), for the words “ Chief Presidency Magistrate or the District Magistrate, as the case may be ” the words “ District Magistrate ” shall be substituted ;

(j) after sub-section (10), the following sub-section shall be added, namely :—

“(11) The provisions of this section shall be in addition to, and not in derogation of, the provisions of any other law for the time being in force.”.

3. In section 52 of the principal Act,—

(a) in sub-section (1), for the words “ Chief Presidency Magistrate or the District Magistrate, as the case may be, with the previous sanction of the Revenue Commissioner ” the words “ District Magistrate ” shall be substituted ;

(b) in sub-section (2),—

(i) for the words “ the notification issued by the State Government ” the words “ the order issued by the District Magistrate ” shall be substituted ;

Amendment
of section 52
of Bom.
XXII of
1951.

(ii) for the words "Chief Presidency Magistrate or the District Magistrate, as the case may be," the words "the District Magistrate" shall be substituted ;

(c) in sub-section (4), for the words "Chief Presidency Magistrate or the District Magistrate, as the case may be," the words "District Magistrate" shall be substituted ;

(d) in the marginal note, for the words "Chief Presidency Magistrate or District Magistrate" the words "District Magistrate" shall be substituted.

Amendment
of section 53
of Bom. XXII
of 1951.

4. In section 53 of the principal Act,—

(i) for the words "Chief Presidency Magistrate or the District Magistrate, as the case may be," the words "District Magistrate" shall be substituted ;

(ii) in the marginal note, for the words "Chief Presidency Magistrate or District Magistrate" the words "District Magistrate" shall be substituted.

STATEMENT

The agitations made by various political, social, religious, educational and non-Government Organizations to show their discontentment about their problems, sometimes lead to unlawful assembly which causes damages to the public property as well as private property including the loss of lives. Such instances are at rampant increase in the State. The existing provisions of section 51 of the Bombay Police Act, 1951 (Bom. XXII of 1951), regarding grant of compensation for injury caused by unlawful assembly are found to be time consuming and not effective. In order to ensure the effective and smooth implementation of the said provisions and thereby to achieve the deterrent effect, the Government of Maharashtra considers it expedient further to amend the Bombay Police Act, 1951, suitably.

2. As both Houses of the State Legislature are not in session and the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action further to amend the Bombay Police Act, 1951, for the purposes aforesaid, this Ordinance is promulgated.

Mumbai,
Dated the 23rd October 2008.

S. C JAMIR,
Governor of Maharashtra.

By order and in the name of
the Governor of Maharashtra,

CHITKALA ZUTSHI,
Additional Chief Secretary to Government.