

**THE BOMBAY VILLAGE POLICE (APPOINTMENTS AND DISCIPLINARY
ACTION BY SUB-DIVISIONAL MAGISTRATES, VALIDATION) ACT, 1967**

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MAHARASHTRA ACT No. VI of 1967¹

[THE BOMBAY VILLAGE POLICE (APPOINTMENTS AND DISCIPLINARY ACTION BY SUB-DIVISIONAL MAGISTRATES, VALIDATION) ACT, 1967.]

[17th April 1967]

An Act to validate the appointment of Police-Patels, by certain Magistrates not being District Magistrates, and for matters connected therewith.

WHEREAS, the High Court of judicature at Bombay has in certain cases decided that section 3 of the Bombay Village Police Act, 1867 (Bom. VIII of 1867) (which gives power to the Commissioner of control and direction of the administration of the village police exercised by the Magistrate of a district, and gives power to such Magistrate to delegate any portion of his power to another Magistrate) does not give authority to such Magistrate of the district to delegate the powers of appointment of, and disciplinary action against, Police-patels to a Magistrate subordinate to him and, therefore, the purported delegation of the power of the Magistrate of the district to Sub-Divisional Magistrates to appoint Police-patels, and to take disciplinary action against Police-patels, under section 9, is unauthorised, and of no effect;

AND WHEREAS, it is necessary to give power to the Magistrate of a district to delegate to Sub-Divisional Magistrates the power to appoint Police-patels and to take disciplinary action against them, and to validate the appointments already made and any disciplinary action already taken by such Sub-Divisional Magistrates under powers which were purported to be delegated to them under section 3 as aforesaid, and it is necessary also to provide for matters connected therewith; It is hereby enacted in the Eighteenth Year of the Republic of India as follows:—

1. Short title and commencement.— (1) This Act may be called the Bombay Village Police (Appointments and disciplinary action by Sub-Divisional Magistrates, Validation) Act, 1967.

(2) It shall be deemed to have come into force on the 25th day of January 1967.

2. Amendment of section 3 of Bom. VIII of 1867.— In section 3 of the Bombay Village Police Act, 1867 (Bom. VIII of 1867), for the portion beginning with the words “the Commissioner, be exercised” and ending with the words “any portion thereof”, the following shall be, and shall be deemed always to have been, substituted, namely:—

“ the State Government and the Commissioner, be exercised by the Magistrate of the district, who may, with the sanction of the State Government or the Commissioner, delegate all or any of the powers conferred on or exercisable by him by or under any of the provisions of this Act, including the power to appoint Police-patels under section 5 and also the power under section 9 to take action against Police-patels or members of a village establishment liable to be called on for performance of Police duties”

3. Validation of appointments of and disciplinary action taken against Police-patels by certain Sub-Divisional Magistrates and of orders made by the Commissioners and State Government in respect of such appointments and action, etc.— Any appointment of a Police-patel made, or any disciplinary action taken against such patel, or any member of a village establishment under section 9, by any Magistrate by virtue of the powers of the Magistrate of the district purported to have been delegated to him under the Bombay Village Police Act, 1867 (Bom. VIII of 1867), and any orders made by the State Government or the Commissioner in the purported exercise of its or his powers of supervisory authority and control in respect of any such appointment or disciplinary action, at any time before the commencement of this Act, shall be deemed to have been made or taken, by or under the Bombay Village Police Act, 1867 (Bom. VIII of 1867), as amended by this Act. And accordingly, notwithstanding anything in any judgement, decree or order of any Court, any such appointment, disciplinary action or order shall be deemed to have been validly made or taken; and any such appointment, disciplinary action or order or anything done by the Police-patels in the exercise of

¹ For Statement of Objects and Reasons, See *Maharashtra Government Gazette*, 1967, Part- V, page 9.

their powers by or under the Bombay Village Police Act, 1867 (Bom. VIII of 1867) or any other law for the time being in force shall not be called in question (or if questioned shall not be maintained) in any Court or before any tribunal or authority merely on the ground that the Magistrate had no power to make the appointment or to take the action, or that the State Government or the Commissioner had no power to interfere in the matter, or had not exercised its or his powers for such interference by or under some other provision of that Act or that the Police-patel was not properly appointed, nor on any ground consequential to the grounds aforesaid.

4. Repeal of Maharashtra Ordinance II of 1967.— The Bombay Village Police (Appointments and disciplinary action by Sub-Divisional Magistrates, Validation) Ordinance, 1967 (Mah. Ord. II of 1967), is hereby repealed.