

MAHARASHTRA ACT No. XLVI of 1967¹

[THE MAHARASHTRA VILLAGE POLICE ACT, 1967]

[Received the Assent of the Governor on 17th December 1967; assent first published in the Maharashtra Government Gazette, Part IV on 22nd December 1967.]

An Act to consolidate and amend the law for the regulation of village police in the State of Maharashtra.

WHEREAS, it is expedient to consolidate and amend the law for the regulation of village Police in the State of Maharashtra; It is hereby enacted in the Eighteenth Year of the Republic of India as follows :—

1. (1) This Act may be called the Maharashtra Village Police Act, 1967.

Short title, extent and commencement.

(2) It extends to the whole of the State of Maharashtra, but excluding Greater Bombay.

(3) It shall come into force on such date² as the State Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definition.

(a) "Station Officer" means the Police Officer in charge of the police station within the limits of which the village for which Police Patil is appointed is situated;

(b) "Village" shall have the meaning assigned to it in the Maharashtra Land Revenue Code, 1968.

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3. The administration of the village police throughout each district shall, under the control and direction of the State Government and the Commissioner, be exercised by the District Magistrate, 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 the provisions of this Act (including the power to appoint Police Patils under section 5 and also the power under section 9 to take action against Police Patils or members of a village establishment liable to be called on for performance of police duties), to any Sub-Divisional Magistrate or Taluka Magistrate, having a revenue charge as an Assistant or Deputy Collector or Tahsildar.

Administration, control and direction of village police, in whom vested.

4. It shall be lawful for the District Magistrate, with the sanction of the Commissioner, to depute to the Superintendent of Police or the Commissioner of Police, as the case may be, any authority which may be exercised by the District Magistrate for the purposes of police over any village police officer.

Power to depute to Superintendent or Commissioner of Police authority over village police officer.

5. (1) The State Government shall appoint one or more Police Patils for a village or group of villages.

Appointment, remuneration and other conditions of service of Police Patils.

(2) The village police in each village shall be under the charge of the Police Patil, and where there are more than one, under the charge of such Police Patil as the State Government may direct.

(3) The recruitment, remuneration and other conditions of service of Police Patils shall be such as may, from time to time, be determined by the State Government by general or special order.

¹ For Statement of Objects and Reasons see Maharashtra Government Gazette, 1967, Part V, Extra, page 328.

² 5-8-1968 vide G. N. D. No. BVP-3387 (9)-VI, dated 31st May 1968.

(4) The powers of the State Government under sub-sections (1) and (2) may be exercised also by the District Magistrate.

Provided that, the number of Police Patils appointed by the State Government for any village or group of villages shall not be exceeded, without the previous sanction of the State Government.

Duties of Police Patil. 6. Subject to the orders of the District Magistrate, the Police Patil shall,—

(i) act under the orders of any other Executive Magistrate within whose local jurisdiction his village is situated;

(ii) furnish such returns and information as may be called for by such Executive Magistrate;

(iii) constantly keep such Executive Magistrate informed as to the state of crime and all matters connected with the village police and the health and general condition of the community in his village;

(iv) afford every assistance in his power to all Police Officers when called upon by them in the performance of their duty;

(v) promptly obey and execute all orders and warrants issued to him by a Magistrate or Police Officer;

(vi) collect and communicate to the Station Officer intelligence affecting the public peace;

(vii) prevent within the limits of his village the commission of offences and public nuisances and detect and bring offenders therein to justice;

(viii) perform such other duties as are specified under other provisions of this Act, and as the State Government may, from time to time, by general or special order specify in this behalf.

Authority over village servants. 7. The Police Patil shall have authority to require all village servants, in whatever capacity ordinarily employed, to aid him in performing the duties entrusted to him, and it shall be the duty of the Talathi of the village to frame all written returns and proceedings for the Police Patil.

Precautions against robbery, etc. 8. The Police Patil shall dispose of the village establishment so as to afford the utmost possible security against robbery, breach of the peace and acts injurious to the public and to the village community, and shall report to the Executive Magistrate all instances of misconduct or neglect committed by any member of the said establishment.

Penalties for neglect of duty, etc. 9. Any Police Patil or member of a village establishment liable to be called on for the performance of Police duties, who shall be careless, or negligent in the discharge of his duties or guilty of any misconduct shall be liable to the following penalties, namely:—

(a) censure;

(b) recovery from his remuneration of the whole or part of any pecuniary loss caused to Government;

(c) fine, not exceeding his remuneration for a month;

(d) suspension, for a period not exceeding one year;

(e) removal from service, which shall not disqualify from future employment under Government;

(f) dismissal from service which shall ordinarily disqualify from future employment under Government.

Any of the penalties, mentioned in clauses (a) to (d) may be imposed by any Executive Magistrate not below the rank of Tahika Magistrate, and the penalties mentioned in clauses (e) and (f) may be imposed by any Executive Magistrate not below the rank of Sub-Divisional Magistrate who is competent to make the appointment of the Police Patil.

10. Nothing in the last preceding section shall affect the liability of any Police Patil or other member of a village establishment to a criminal prosecution for any offence with which he may be charged.

Liability to criminal prosecution not affected.

11. The District Magistrate, or a Sub-Divisional Magistrate who is competent to make the appointment of a Police Patil, may suspend the Police Patil, if serving within the limits of his jurisdiction, pending a departmental inquiry or the inquiry and trial in a criminal prosecution against such Patil.

Power to suspend pending departmental inquiry or criminal trial.

12. If a crime has been committed within the limits of any village, and the perpetrator thereof has escaped or is not known, the Police Patil shall forward immediate information to the Station Officer, and shall himself proceed to investigate the matter, obtaining all procurable evidence relating to it which he shall forward in continuation to the Station Officer.

Information to Station Officer when criminal in village has escaped or is not known.

13. (1) If any unnatural or sudden death occurs, or any corpse be found, within the bounds of any village, the Police Patil shall forthwith proceed to the place of incident and call upon two or more intelligent persons belonging to the village or neighbourhood, who shall investigate the causes of death and all the circumstances of the case and make a written report of the same, which the Police Patil shall cause to be forthwith delivered to the Station Officer.

Investigation into cases of unnatural or sudden death or corpse found within village.

(2) Any person who, on being called upon by the Police Patil to hold such investigation, shall without justifiable cause refuse or neglect to do so, shall on conviction, be punished with fine which may extend to fifty rupees.

(3) If the results of the investigation afford reason for supposing that death has been unlawfully occasioned, the Police Patil shall give immediate notice to the Station Officer, and, if the corpse can be forwarded without the risk of putrefaction by the way, shall at once forward it to the nearest Civil Surgeon or other Medical Officer appointed by the State Government to examine corpses under such circumstances, who shall endeavour to ascertain the cause of death.

If the Police Patil is unable to forward the corpse without the risk of putrefaction rendering examination useless or dangerous, he shall nevertheless prevent or the burning or burying of such corpse until the Station Officer or a Magistrate shall have assented thereto.

14. (1) The Police Patil shall apprehend any person within the limits of his village who he may have reason to believe has committed any serious offence, and shall forward such person, together with all articles likely to be useful as evidence, to the Station Officer.

Police Patil to apprehend person he believes has committed serious offence.

(2) Every person so apprehended shall within 24 hours be produced before the nearest Magistrate, excluding the time necessary for the journey from the place where he is apprehended to the Court of the Magistrate.

15. (1) The Police Patil, in making any investigation coming within the scope of his duty, shall have authority to call and examine witnesses, and record their statement, and to search for concealed articles, taking care that no search be made in a dwelling house between sunset and sunrise without urgent occasion.

Power to call and examine witnesses, record evidence and search for concealed articles.

Any of the penalties, mentioned in clauses (a) to (d) may be imposed by any Executive Magistrate not below the rank of Taluka Magistrate, and the penalties mentioned in clauses (e) and (f) may be imposed by any Executive Magistrate not below the rank of Sub-Divisional Magistrate who is competent to make the appointment of the Police Patil.

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Power to call and examine witnesses, record evidence and search for concealed articles.

(2) The Police Patil shall also have authority, in carrying out any search or any pursuit of supposed criminal to enter and act within the limits of other villages, being bound however to give immediate information to the Police Patil thereof, who shall afford him all the assistance in his power, and be immediately responsible for continuing the search and pursuit.

Unclaimed property.

16. The Police Patil shall take charge of all unclaimed property found within his village, or made over to him under the provisions of the Bombay Police Act, 1951, and shall forthwith make a report if his village is within the limits of the jurisdiction of a Commissioner of Police to such Commissioner and in any other case to the nearest Executive Magistrate, and act thereafter as he may be directed by the said Commissioner or Magistrate, unless the property be of a description coming within the provisions of the Cattle Trespass Act, 1871 or any law corresponding to that Act in force, in which case the Police Patil shall be guided by that enactment or law.

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A copy of every such report made by the Police Patil shall be forwarded to the Station Officer.

Prosecution under other laws for offence punishable under this Act.

17. Nothing contained in this Act shall be construed to prevent the prosecution of any person under any other law for any offence made punishable by this Act, or from being liable under any other law to any other or higher penalty or punishment than is provided for such offences by this Act.

Repeal and savings.

18. The Bombay Village Police Act, 1867, is hereby repealed : Provided that, such repeal shall not affect—

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(a) the previous operation of the Act so repealed or anything duly done or suffered thereunder ;

(b) any right, privilege, obligation or liability acquired, accrued or incurred under the Act so repealed ; or

(c) Any penalty or punishment incurred in respect of any offence committed against the Act so repealed ; or

(d) Any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty or punishment as aforesaid ;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty or punishment may be imposed, as if this Act had not been passed ;

Provided further that, subject to the preceding proviso, anything done or any action taken (including any appointment of delegation made and notification, order, or rule issued) under the Act so repealed shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the corresponding provisions of this Act, and shall continue to be in force accordingly, unless and until superseded by anything done or any action taken under this Act.