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Government of India
Ministry of Home Affairs

New Delhi-11, the 20th April, 1967

NOTIFICATION

G.S.R. 604. In exercise of the powers conferred by section 10 of the Dadra and Nagar Haveli Act, 1961 (35 of 1961), the Central Government hereby extends to the Union territory of Dadra and Nagar Haveli, sections 1, 2, 55, 56, 57, 58, 59, 60, 61, 62, 65, 63AA, 71, 72, 141, 142, 143, 155, 156, 157, 157A, 158, 159, 160, 161 and 163 of the Bombay Police Act, 1951 (Bombay Act XXII of 1951), as in force in the State of Maharashtra, subject to the following modifications, namely :-

Modifications

1. Throughout the aforesaid sections of the Act, unless otherwise directed, for the words "State Government", the word "Administrator" shall be substituted and there shall also be made in any sentence in which the words "State Government" occur, such consequential amendments as the rules of grammer may require.

2. In section 1, -

(a) in sub-section (2), for the words "State of Maharashtra", the words "Union territory of Dadra and Nagar Haveli" shall be substituted;

(b) for sub-section (3), the following sub-section shall be substituted, namely:-

"(3) It shall come into force on such date as the Administrator may, by notification in the Official Gazette, appoint; and different dates may be appointed for different provisions of this Act."

3. In Section 2, -

(a) for clause (1), the following clause shall be substituted, namely :-

"(1) "Administrator" means the Administrator of the Union territory of Dadra and Nagar Haveli appointed by the President under article 239 of the Constitution;" ;

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(b) clauses (2), (3), (4) and (5) shall be omitted;

(c) for clause (6), the following clause shall be substituted, namely :-

"(6) "Inspector" means the Inspector of Police appointed for the Union territory of Dadra and Nagar Haveli;" ;

(d) Clauses (7) and (7A) shall be omitted;

(e) Clauses (9) and (10) shall be omitted;

(f) for cluase (11), the following clause shall be substituted, namely :-

"(11) "Police officer" means any member of the Police Force appointed or deemed to be appointed for the Union territory of Dadra and Nagar Haveli; " ;

(g) clauses (12), (13), (13A), (14), (15), (16) and (17) shall be omitted.

4. In section 55, -

(a) for the words and figure "Whenever it shall appear in Greater Bombay and in other areas in which a Commissioner is appointed under section 7 to the Commissioner and in a district to the District Magistrate, the Sub-Divisional Magistrate or the Superintendent specially empowered by the State Government in that behalf", the words "Whenever it shall appear to the District Magistrate" shall be substituted;

(b) for the words "within the local limits of his jurisdiction or such area and any district or districts, or any part thereof contiguous thereto within such time as such officer shall prescribe, and not to enter the area or the area and such contiguous districts, or part thereof, as the case may be, or", the words "within the local limits of his jurisdiction by such route and such time as such officer shall prescribe, and not to enter the area or" shall be substituted.

5. In section 56, -

(a) for the words and figure "Whenever it shall appear in Greater Bombay and other areas for which a Commissioner has been appointed under section 7 to the Commissioner and in other area or areas to which the State Government may, by noti-

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fication in the Official Gazette, extend the provisions of this section, to the District Magistrate, or the Sub-Divisional Magistrate specially empowered by the State Government in that behalf", the words "Whenever it shall appear to the District Magistrate", shall be substituted;

(b) for the words "within the local limits of his jurisdiction or such area and any district or districts, or any part thereof, contiguous thereto by such route and within such time as the said officer may prescribe and not to enter or return to the said area or the area and such contiguous districts, or part thereof, as the case may be, from which", the words "within the local limits of his jurisdiction by such route and within such time as the said officer may prescribe and not to enter or return to the said area from which" shall be substituted.

6. In section 57, -

(a) for clauses (b) and (c), the following clauses shall be substituted, namely:-

(b) twice, of an offence under the Suppression of Immoral Traffic in Women and Girls Act, 1956 (104 of 1956), or -

(c) thrice within a period of three years, of an offence under the Abkari Act of 1955 of the Nagar Haveli Liberated Areas or any other corresponding law for the time being in force in the Union territory of Dadra and Nagar Haveli,";

(b) for the words "the Commissioner, the District Magistrate or the Sub-Divisional Magistrate specially empowered by the State Government in this behalf", the words "the District Magistrate" shall be substituted;

(c) for the words "within the local limits of his jurisdiction or such area and any district or districts, or any part thereof, contiguous thereto, by such route and within such time as the said officer may prescribe and not to enter or return to the area or the area and such contiguous districts or part thereof, as the case may be, from which", the words "within the local limits of his jurisdiction [~~or such area and any district or districts, or any part thereof contiguous thereto~~] by such route and within such time as the said officer may prescribe

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[ ] this portion within square brackets was, in order to the fair copy of the notification sent to the Press through oversight and has been omitted through "Errata"

and not to return to the area from which" shall be substituted.

7. In section 58, for the words "not to enter any particular area or such area and any district or districts or any part thereof, contiguous thereto, as the case may be, shall be for such period", the words "not to enter any particular area shall be for such such period" shall be substituted.

8. In section 62, in sub-section (2), -

(a) for the words "enter or return to the area, including any contiguous districts or part thereof, from which", the words "enter or return to the area from which" shall be substituted;

(b) the words " or the area and any contiguous districts or part thereof", wherever they occur shall be omitted.

9. In section 63, the words "or such area and any contiguous districts, or part thereof, as the case may be," wherever they occur shall be omitted.

10. For sub-section (1) of section 63AA, the following sub-section shall be substituted, namely :-

"(1) The Administrator or any other officer specially empowered by the Administrator in that behalf, may, in like circumstances and in like manner, exercise the powers exercisable by the District Magistrate under section 55, 56 or 57.".

11. In section 71, -

(a) the words "regulation and" shall be omitted, and

(b) the figures "43" shall be omitted.

12. For section 72, the following section shall be substituted, namely :-

"72. When Police Officer may arrest without warrant. - Any officer may, without an order from a Magistrate and without a warrant, arrest any person who contravenes any order made under section 56, 57 or 63AA.".

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13. In section 142, -

(a) in clause (a), the words ", or any district or districts, or part thereof," shall be omitted;

(b) in clause (b), the words "or district aforesaid or part thereof" shall be omitted.

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14. In section 157A, for the words "a Commissioner" and the word "Commissioner" wherever they occur the word "Administrator" shall be substituted.

15. In section 159, for the words "No Revenue Commissioner, Magistrate or Police officer shall be", the words "The Administrator, any Magistrate or any Police Officer shall not be" shall be substituted.

16. In section 161, in sub-section (1), for the words "Revenue Commissioner, the Commissioner" and words "Revenue Commissioner, Commissioner", the words "Administrator" shall be substituted.

## ANNEXURE

## THE PROVISIONS OF THE BOMBAY POLICE ACT, 1951 (BOMBAY ACT XXII OF 1951), AS EXTENDED TO THE UNION TERRITORY OF DADRA AND NAGAR HAVELI

1. Short title and commencement. - (1) This Act may be called the Bombay Police Act, 1951.

(2) It extends to the whole of the Union territory of Dadra and Nagar Haveli.

(3) It shall come into force on such date as the Administrator may, by notification in the Official Gazette appoint; and different dates may be appointed for different provisions of this Act.".

2. Definitions. - In this Act, unless there is anything repugnant in the subject or context, -

(1) "Administrator" means the Administrator of the Union territory of Dadra and Nagar Haveli appointed by the President under article 239 of the Constitution;

(2) (omitted)
(3) (omitted)
(4) (omitted)
(5) (omitted)

(6) "Inspector" means the Inspector of Police appointed for the Union territory of Dadra and Nagar Haveli;

(7) (omitted)
(7A) (omitted)

(8) "place" includes a building, a tent, a booth or other erection, whether permanent or temporary, or any area whether enclosed or open;

(9) (omitted).

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(10) (omitted)

(11) "Police officer" means any member of the Police Force appointed or deemed to be appointed for the Union territory of Dadra and Nagar Haveli;

(12) (omitted)
(13) (omitted)
(13A) (omitted)
(14) (omitted)
(15) (omitted)
(16) (omitted)
(17) (omitted)

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55. Dispersal of gangs and bodies of persons - Whenever it shall appear to the District Magistrate, that the movement or encampment of any gang or body of persons in the area in his charge is causing or is calculated to cause danger or alarm or reasonable suspicion that unlawful designs are entertained by such gang or body or members thereof, such officer may, by notification addressed to the persons appearing to be the leaders or chief men of such gang or body and published by beat of drum or otherwise as such officer thinks fit, direct the members of such gang or body so to conduct themselves as shall seem necessary in order to prevent violence and alarm, or disperse and each of them to remove himself outside the area within the local limits of his jurisdiction within such time as such officer shall prescribe, and not to enter the area or return to the place from which each of them was directed to remove himself.

56. Removal of persons about to commit offence - Whenever it shall appear to the District Magistrate (a) that the movements or acts of any person are causing or calculated to cause alarm, danger or harm to person or property, or (b) that there are reasonable grounds for believing that such person is engaged or is about to be engaged in the commission of an offence involving force or violence or an offence punishable under Chapter XII, XVI, or XVII of the Indian Penal Code (XLV of 1860) or in the abetment of any such offence, and when in the opinion of such officer witnesses are not willing to come forward to give evidence in public against such person by reason of apprehension on their part as regards the safety of their person or property, or (c) that an outbreak of epidemic disease is likely to result from the continued residence of an immigrant, the said officer may, by an order in writing duly served on him or by beat of drum or otherwise as he thinks fit, direct such person or immigrant so to conduct himself as shall seem necessary in order to prevent violence and alarm or the outbreak or spread of such disease or to remove himself outside the area within the local limits of his jurisdiction by such route and within such time as the said officer may prescribe and not to enter or return to the said area from which he was directed to remove himself.

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57. Removal of persons convicted of certain offences - If a person has been convicted -

(a) of an offence under Chapter XII, XVI or XVII of the Indian Penal Code (XLV of 1860), or

(b) twice, of an offence under the Suppression of Immoral Traffic in Women and Girls Act, 1956 (104 of 1956), or

(c) thrice within a period of three years, of an offence under the Abkari Act of 1950 or the Nagar Haveli Liberated Areas or any other corresponding law for the time being in force in the Union territory of Dadra and Nagar Haveli,

the District Magistrate, if he has reason to believe that such person is likely again to engage himself in the commission of an offence similar to that for which he was convicted, may direct such person to remove himself outside the area within the local limits of his jurisdiction by such route and within such time as the said officer may prescribe and not to enter or return to the area from which he was directed to remove himself.

Explanation. - For the purpose of this section "an offence similar to that for which a person was convicted" shall mean -

(i) in the case of a person convicted of an offence mentioned in clause (a), an offence under any of the Chapters of the Indian Penal Code (XLV of 1860) mentioned in that clause, and

(ii) in the case of a person convicted of an offence mentioned in clauses (b) and (c), an offence falling under the provisions of the Acts mentioned respectively in the said clauses.

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58. Period of operation of orders under sections 55, 56 and 57 - A direction made under section 55, 56 or 57 not to enter any particular area shall be for such period as may be specified therein and shall in no case exceed a period of two years from the date on which it was made.

59. Hearing to be given before order under section 55, 56 or 57 is passed. - (1) Before an order under section 55, 56 or 57 is passed against any person the officer acting under any of the said sections or any officer above the rank of an Inspector authorised by that officer shall inform the person in writing of the general nature of the material allegations against him and give him a reasonable opportunity of tendering an explanation regarding them. If such person makes an application for the examination of any witness produced by him, the authority of officer concerned shall grant such application and examine such witness, unless for reasons to be recorded in writing, the authority or officer is of opinion that such application is made for the purpose of vexation or delay. Any written statement put in by such person shall be filed with the record of the case. Such person shall be entitled to appear before the officer proceeding under this section by an advocate or attorney for the purpose of tendering his explanation and examining the witnesses produced by him.

(2) The authority or officer proceeding under sub-section (1) may, for the purpose of securing the attendance of any person against whom an order is proposed to be made under section 55, 56 or 57, require such person to appear before him and to pass a security bond with or without sureties for such attendance during the inquiry. If the person fails to pass the surety bond as required or fails to appear before the officer or authority during the inquiry, it shall be lawful to the officer or authority to proceed with the inquiry and thereupon such order as was proposed to be passed against him may be passed.

60. Appeal. - (1) Any person aggrieved by the order made under section 55, 56 or 57 may appeal to the Administrator within thirty days from the date of such order.

(2) An appeal under this section shall be preferred in duplicate in the form of a memorandum, setting forth concisely the grounds of objection to the order appealed against, and shall be accompanied by that order or a certified copy thereof.

(3) On receipt of such appeal, the Administrator may, after giving a reasonable opportunity to the appellant to be heard either personally or by a pleader, advocate or attorney and after such further inquiry, if any, as he may deem necessary, confirm, vary or cancel or set aside the order appealed against, and make his order accordingly.

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Provided that the order appealed against shall remain in force pending the disposal of the appeal, unless the aAdministrator otherwise directs.

(4) In calculating the period of thirty days provided for an appeal under this section, the time taken for granting a certified copy of the order appealed against shall be excluded.

61. Finality of order passed by the Administrator in certain cases. - Any order passed under section 55, 56 or 57 or by the Administrator under section 60 shall not be called in question in any Court except on the ground that the authority making the order or any officer authorised by him had not followed the procedure laid down in sub-section (1) of section 59 or that there was no material before the authority concerned upon which it could have based its order or on the ground that the said authority was not of opinion that witnesses were unwilling to come forward to give evidence in public against the person in respect of whom an order was made under section 56.

62. Procedure on failure of person to leave the area and his entry therein after removal. - (1) If a person to whom a direction has been issued under section 55, 56 or 57 to remove himself from an area -

(i) fails to remove himself as directed, or

(ii) having so removed himself, except with the permission in writing of the authority making the order as provided in sub-section (2), enters the area within the period specified in the order,

the authority concerned may cause him to be arrested and removed in police custody to such place outside the area as the said authority may in each case prescribe.

(2) The authority making an order under section 55, 56 or 57 may in writing permit any person in respect of whom such order has been made to enter or return to the area from which he was directed to remove himself, for such temporary period and subject to such conditions as may be specified in such permission and may require him to enter into a bond with or without surety for the due observance of the conditions imposed. The authority aforesaid may at any time revoke any such permission. Any person who with such permission enters or returns to such area shall observe the conditions imposed and at the expiry of the temporary period for which he was permitted to enter or return, or on the earlier revocation of such permission, shall remove himself outside such area and shall not enter therein or return thereto within the unexpired residue of the period specified in the order under section 55, 56 or 57, without a fresh permission. If such person fails to observe any of the conditions

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imposed, or to remove himself accordingly on having so removed himself enters or returns to the area without fresh permission the authority concerned may cause him to be arrested and removed in police custody to such place outside the area as that authority may in each case prescribe.

63. Temporary permission to enter or return to the area from which a person was directed to remove himself. - (1) The Administrator or any officer specially empowered by the Administrator in that behalf may, by order, permit any person in respect of whom an order has been made under section 55, 56 or 57, to enter or return for a temporary period to the area, from which he was directed to remove himself, subject to such conditions as he may by general or special order specify and which such person accepts and may, at any time, revoke any such permission.

(2) In permitting a person under sub-section (1) to enter or return to the area from which he was directed to remove himself, the Administrator or such officer may require him to enter into bond with or without surety for the observance of the conditions imposed.

(3) Any person permitted under sub-section (1) to enter or return to the area from which he was directed to remove himself shall surrender himself at the time and place and to the authority specified in the order or in the order revoking the said order, as the case may be.

63AA. Powers of externment of Administrator and officers specially empowered. - (1) The Administrator or any officer specially empowered by the Administrator in that behalf may, in like circumstances and in like manner, exercise the powers exercisable by the District Magistrate under section 55, 56 or 57.

(2) The provisions of sections 58, 59, 60, 61, 62 and 63 shall mutatis mutandis apply to the exercise of any powers under this section, as they apply to the exercise of any powers under section 55, 56 or 57.

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71. Duty of police to see orders issued under sections 55, 56, 57 or 63AA are carried out. - It shall be the duty of the Police to see that every direction made by any authority under section 55, 56, 57 or 63AA is duly obeyed, to warn persons who from ignorance fail to obey the same and to arrest any person who wilfully disobeys the same.

72. When Police officer may arrest without warrant. - Any Police officer may, without any order from a Magistrate and without a warrant, arrest any person who contravenes any order made under section 56, 57 or 63AA.

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141. Penalty for contravention of [illegible] section 55, 56, 57 or 63AA. - Whoever opposes or disobeys or fails to conform to any direction issued under section 55, 56, 57 or 63AA or abets opposition to or disobedience of any such direction shall, on conviction, be punished with imprisonment which may extend to one year but shall not, except for reasons to be recorded in writing, be less than four months, and shall also be liable to fine.

142. Penalty for entering without permission area from which a person is directed to remove himself or evesdropping when permitted to return temporarily. - Without prejudice to the power to arrest and remove a person in the circumstances and in the manner provided in section 62, any person who -

(a) in contravention of a direction issued to him under section 55, 56, 57 or 63AA enters or returns without permission to the area from which he was directed to remove himself;

(b) enters or returns to any such area with permission under sub-section (2) of section 62, but fails, contrary to the provisions thereof to remove himself outside such area at the expiry of the temporary period for which he was permitted to enter or return or on the earlier revocation of permission, or having removed himself at the expiry of such temporary period or on revocation of the permission, enters or returns thereafter without fresh permission.

shall, on conviction, be punished with imprisonment for a term which may extend to two years, but shall not, except for reasons to be recorded in writing, be less than six months, and shall be also liable to find.

143. Penalty for failure to surrender in accordance with sub-section (3) of section 63. - Whoever fails without sufficient cause to surrender in accordance with sub-section (3) of section 63 shall, on conviction be punished with imprisonment which may extend to two years and shall also be liable to find.

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155. Method of proving orders and notifications - Any order or notification published or issued by the Administrator or by a Magistrate or officer under any provision of this Act, and the due publication or issue thereof, may be proved by the production of a copy thereof in the official gazette or of a copy thereof signed by such Magistrate, or officer, and by him certified to be a true copy of an original published or issued according to the provisions of the section of this Act applicable thereto.

156. Rules and orders not invalidated by defect of form or irregularity in procedure. - No rule, order, direction, adjudication, inquiry or notification made or published, and no act done under this Act, or in

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substantial conformity to the same shall be deemed illegal, void, invalid or insufficient by reason of any defect of form or any irregularity of procedure.

157. Presumption in prosecutions for contravention of directions issued under section 55, 56, 57 or 63AA. - Notwithstanding anything contained in any law for the time being in force in a prosecution for an offence for the contravention of a direction issued under section 55, 56, 57 or 63AA on the production of an authentic copy of the order, it shall, until the contrary is proved and the burden of proving which shall lie on the accused, be presumed -

(a) that the order was made by the authority competent under this Act to make it;

(b) that the authority making the order was satisfied that the grounds on or the purpose for which it was made existed, and that it was necessary to make the same; and

(c) that the order was otherwise valid and in conformity with the provisions of this Act.

157A. Officers holding charge of, or succeeding to, vacancies competent to exercise powers. - Whenever in consequence of the office of Administrator, Magistrate or Police officer becoming vacant, any officer holds charge of the post of such Administrator, Magistrate or Police officer or succeeds, either temporarily or permanently, to his office, such officer shall be competent to exercise all the powers and perform all the duties respectively conferred and imposed by this Act on such Administrator, Magistrate or Police officer, as the case may be.

158. Forfeiture of bond entered into by person permitted to enter or return to the area from which he was to remove himself. - If any person permitted under sub-section (1) of section 63 fails to observe any condition imposed under the said sub-section or in the bond entered into by him under sub-section (2) of the said section his bond shall be forfeited and any person bound thereby shall pay the penalty thereof or show cause to the satisfaction of the Court why such penalty should not be paid.

159. No Magistrate or Police officer to be liable to penalty or damage for act done in good faith in pursuance of duty. The Administrator, any Magistrate or any Police officer shall not be liable to any penalty or to payment of damages on account of an act done in good faith, in pursuance or intended pursuance of any duty imposed or any authority conferred on him by any provision of this Act or any other law for the time being in force or any rule or direction made or given therein.

160. No public servant liable as aforesaid for giving effect in good faith to any rule, order or direction issued with apparent authority. - No public servant or person

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duly appointed or authorised shall be liable to any penalty or to payment of any damages for giving effect in good faith to any such order or direction issued with apparent authority by the Administrator or by a person empowered in that behalf under this Act or any rule, order or direction made or given thereunder.

161. (1) Suits or prosecutions in respect of acts done under colour of duty as aforesaid not to be entertained, or to be dismissed if not instituted within six months. - In any case of alleged offence by the Administrator, a Magistrate, Police officer or other person, or of a wrong alleged to have been done by such Administrator, Magistrate, Police officer or other person, by an act done under colour or in excess of any such duty or authority as aforesaid, or wherein, it shall appear to the Court that the offence or wrong if committed or done was of the character aforesaid, the prosecution or suit shall not be entertained, or shall be dismissed, if instituted, more than six months after the date of act complained of.

(2) In suits as aforesaid one month's notice of suit to be given with sufficient description of wrong complained of. - In the case of an intended suit on account of such a wrong as aforesaid, the person intending to sue shall be bound to give to the alleged wrong-doer one month's notice at least of the intended suit with sufficient description of the wrong complained of, failing which suit shall be dismissed.

(3) Plaint to set forth service of notice and tender of amends. - The plaint shall set forth that a notice as aforesaid has been served on the defendant and the date of such service, and shall state whether any, and if any, what tender of amends has been made by the defendant. A copy of the said notice shall be annexed to the plaint endorsed or accompanied with a declaration by the plaintiff of the time and manner of service thereof.

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163. Public notice how to be given. - Any public notice required to be given under any of the provisions of this Act shall be in writing under the signature of a competent authority and shall be published in the locality to be affected thereby, by affixing copies thereof in conspicuous public places, or by proclaiming the same with beat of drums, or by advertising the same in such local newspapers - English or regional language or Hindi, - as the said authority may deem fit, or by any two or more of these means and by any other means it may think suitable.

[No. F.10/1/66-UTL-94]

P.N. Vasudevan

(P.N. Vasudevan)
Deputy Secretary to the Government of India