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THE POLICE ACT, 1861

ACT NO. V OF 1861^{*}

[22nd March, 1861]

An Act for the Regulation of Police

Preamble

WHEREAS it is expedient to re-organize the police and to make it a more efficient instrument for the prevention and detection of crime; It is enacted as follows:—

Interpretation clause

1. The following words and expressions in this Act shall have the meaning assigned to them, unless there be something in the subject or context repugnant to such construction, that is to say,—

the words "Magistrate of the district" shall mean the chief officer charged with the executive administration of a district and exercising the powers of a Magistrate, by whatever designation the chief officer charged with such executive administration is styled:

the word "Magistrate" shall include all persons within the general police-district, exercising all or any of the powers of a Magistrate:

the word "police" shall include all persons who shall be enrolled under this Act:

the words "general police-district" shall embrace ¹[any part of Bangladesh], in which this Act shall be ordered to take effect:

^{*} Throughout this Act, except otherwise provided, the words "Government" and "Taka" were substituted, for the words "Provincial Government" and "rupees" respectively by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

¹ The words "any part of Bangladesh" were substituted, for the words "Province or place or any part of any province or place" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

the words "District Superintendent" and "District Superintendent of Police" shall include any Assistant District Superintendent or other person appointed by general or special order of the Government to perform all or any of the duties of a District Superintendent of Police under this Act in any district:

the word "property" shall include any moveable property, money or valuable security:

the word "person" shall include a company or corporation:

the word "month" shall mean a calendar month:

the word "cattle" shall, besides horned cattle, include elephants, camels, horses, asses, mules, sheep, goats and swine.

References to the subordinate ranks of a police-force shall be construed as references to members of that force below the rank of Inspector of Police.

2. The entire police-establishment under ¹[the] Government shall, for the purposes of this Act, be deemed to be one police-force, and shall be formally enrolled; and shall consist of such number of officers and men, and shall be constituted in such manner, as shall from time to time be ordered by the Government.

Constitution of
the force

Subject to the provisions of this Act the pay and all other conditions of service of members of the subordinate ranks of any police force shall be such as may be determined by the Government.

¹ The word "the" was substituted, for the letter "a" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

General police districts

¹**2A.** It shall be lawful for the Government to divide Bangladesh, from time to time, into as many general police-districts as it may think fit, and from time to time to vary and alter any of such general police-districts, or to consolidate two or more of such general police-districts into one district, as it may think fit.

Appointing persons to exercise powers of Inspector General

2B. It shall be lawful for the Government in each such general police-district to appoint some person to exercise in such district the powers of an Inspector-General of Police, whether such person shall or shall not hold any other office under the Government; and the administration of the police throughout such general police-district, and all powers and authorities by this Act or any other Act conferred on an Inspector-General of Police, shall be vested in such person.

Police establishment in every district deemed to be one police force

2C. The entire police-establishment in every such district shall, for the purposes of this Act, be deemed to be one police-force, and shall be formally enrolled, and shall consist of such number of officers and men, and shall be constituted in such manner, as shall from time to time be ordered by the Government.

The pay and all other conditions of service of the members of such force below the rank of Deputy Superintendent shall, subject to the provisions of this Act, be such as may be determined by the Government.

Members enrolled or appointed to one general police-district may be employed to other general police-district

2D. It shall be lawful for the Government to employ members of the police-force who have been enrolled in, or appointed to, any one general police-district, in any other general police-district in Bangladesh and the powers conferred on police-officers by the Code of Criminal Procedure, 1898, may be by them exercised in any portion of Bangladesh without reference to the local limits of the general police-district to which they may respectively belong.]

¹ Sections 2A, 2B, 2C and 2D were inserted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

3. The superintendence of the police throughout a general police-district shall vest in and shall be exercised by the Government ¹[* * *]; and, except as authorized under the provisions of this Act, no person, officer or Court shall be empowered by the Government to supersede or control any police functionary.

Superintendence in the Government

4. The administration of the police throughout a general police-district shall be vested in an officer to be styled the Inspector-General of Police and in such Deputy Inspectors-General and Assistant Inspectors-General as to the Government shall seem fit.

Inspector-General of Police, etc.

The administration of the police throughout the local jurisdiction of the Magistrate of the district shall, under the general control and direction of such Magistrate, be vested in a District Superintendent and such Assistant District Superintendents as the Government shall consider necessary.

²[4A. (1) The Government may, whenever necessary appoint an Additional Inspector-General of Police.

Additional Inspector-General of Police, etc.

(2) The Additional Inspector-General of Police so appointed shall discharge any of the functions of the Inspector-General of Police which the Inspector-General of Police may assign to him, and in the discharge of those functions, he shall exercise the same powers as the Inspector-General of Police.]

5. The Inspector-General of Police shall have the full powers of Magistrate throughout the general police-district; but shall exercise those powers subject to such limitation as may from time to time be imposed by the Government.

Powers of Inspector-General. Exercise of powers

6. [Repealed by the Code of Criminal Procedure, 1882 (Act No. X of 1882).]

¹ The words "to which such district is subordinate" were omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

² Section 4A was inserted by section 3 of the Police (Amendment) Act, 1968 (Act No. IV of 1968).

Appointment,
dismissal, etc.,
of inferior
officers

7. Subject to such rules as the Government may from time to time make under this Act, the Inspector-General, Deputy Inspectors-General, Assistant Inspectors-General and District Superintendents of Police may at any time dismiss, suspend or reduce any police-officer of the subordinate ranks whom they shall think remiss or negligent in the discharge of his duty, or unfit for the same;

or may award any one or more of the following punishments to any police-officer of the subordinate ranks who shall discharge his duty in a careless or negligent manner, or who by any act of his own shall render himself unfit for the discharge thereof, namely:—

- (a) fine to any amount not exceeding one month's pay;
- (b) confinement to quarters for a term not exceeding fifteen days, with or without punishment drill, extra guard, fatigue or other duty;
- (c) deprivation of good-conduct pay;
- (d) removal from any office of distinction or special emolument.

Certificates to
police-officers

8. Every police-officer appointed to the police-force other than an officer mentioned in section 4 shall receive on his appointment a certificate in the form annexed to this Act, under the seal of the Inspector-General or such other officer as the Inspector-General shall appoint, by virtue of which the person holding such certificate shall be vested with the powers, functions and privileges of a police-officer.

Surrender of
certificate

Such certificate shall cease to have effect whenever the person named in it ceases for any reason to be a police-officer, and, on his ceasing to be such an officer, shall be forthwith surrendered by him to any officer empowered to receive the same.

A police-officer shall not by reason of being suspended from office cease to be a police-officer. During the term of such suspension the powers, functions and privileges vested in him as a police-officer shall be in abeyance, but he shall continue subject to the same responsibilities, discipline and penalties and to the same authorities, as if he had not been suspended.

9. No police-officer shall be at liberty to withdraw himself from the duties of his office, unless expressly allowed to do so by the District Superintendent or by some other officer authorized to grant such permission, or, without the leave of the District Superintendent, to resign his office, unless he shall have given to his superior officer notice in writing for a period of not less than two months, of his intention to resign.

Police-officer not to resign without leave or two months' notice

10. No police-officer shall engage in any employment or office whatever other than his duties under this Act, unless expressly permitted to do so in writing by the Inspector-General.

Police-officers not to engage in other employment

11. [*Repealed by the Repealing Act, 1874 (Act No. XVI of 1874).*]

12. The Inspector-General of Police may, from time to time, subject to the approval of the Government, frame such orders and rules as he shall deem expedient relative to the organization, classification and distribution of the police-force, the places at which the members of the force shall reside, and the particular services to be performed by them; their inspection, the description of arms, accoutrements and other necessaries to be furnished to them; the collecting and communicating by them of intelligence and information; and all such other orders and rules relative to the police-force as the Inspector-General, shall, from time to time deem expedient for preventing abuse or neglect of duty, and for rendering such force efficient in the discharge of its duties.

Power of Inspector-General to make rules

13. It shall be lawful for the Inspector-General of Police, or any Deputy Inspector-General, or Assistant Inspector-General or for the District Superintendent, subject to the general direction of the Magistrate of the district, on the application of any person showing the necessity thereof, to depute any additional number of police-officers to keep the peace at any place within the general police-district, and for such time as shall be deemed proper. Such force shall be exclusively under the orders of the District Superintendent, and shall be at the charge of the person making the application:

Additional police-officers employed at cost of individuals

Provided that it shall be lawful for the person on whose application such deputation shall have been made, on giving one month's notice in writing to the Inspector-General, Deputy Inspector-General, or Assistant Inspector-General, or to the District Superintendent, to require that the police-officers so deputed shall be withdrawn; and such person shall be relieved from the charge of such additional force from the expiration of such notice.

Appointment of additional force in the neighbourhood of railway and other works

14. Whenever any railway, canal or other public work, or any manufactory or commercial concern shall be carried on, or be in operation in any part of the country, and it shall appear to the Inspector-General that the employment of an additional police-force in such place is rendered necessary by the behaviour or reasonable apprehension of the behaviour of the persons employed upon such work, manufactory or concern, it shall be lawful for the Inspector-General, with the consent of the Government to depute such additional force to such place, and to employ the same so long as such necessity shall continue, and to make orders, from time to time, upon the person having the control or custody of the funds used in carrying on such work, manufactory or concern, for the payment of the extra force so rendered necessary, and such person shall thereupon cause payment to be made accordingly.

Embodiment of Railway Watch and Ward into Police Force

¹[**14A.**(1) Notwithstanding anything contained in any other law for the time being in force, the Inspector-General of Police or any officer authorised by him in writing in this behalf may, with the sanction of the Government, by notification in the official Gazette, order the embodiment into the Police Force of the Railway Watch and Ward in their entirety or such portion thereof as he may determine, specifying the rank or ranks of persons so embodied, for such period as may be specified in the notification.

(2) On the publication of a notification under sub-section (1), such Railway Watch and Ward shall be subject to the provisions of the Police Act, 1861.

¹ Section 14A was inserted by section 2 of the East Pakistan (Amendment) Ordinance, 1963 (Ordinance No. IV of 1963).

(3) Every person embodied under sub-section (1) shall have the same powers, privileges and protection and shall be liable to perform the same duties and shall be amenable to the same penalties and be subordinate to the same authorities as the officers of the Police.]

15.(1) It shall be lawful for the Government, by proclamation to be notified in the official Gazette, and in such other manner as the Government shall direct, to declare that any area subject to its authority has been found to be in a disturbed or dangerous state, or that, from the conduct of the inhabitants of such area or of any class or section of them, it is expedient to increase the number of police.

Quarterming of additional police in disturbed or dangerous districts

(2) It shall thereupon be lawful for the Inspector-General of Police, or other officer authorized by the Government in this behalf, with the sanction of the Government, to employ any police-force in addition to the ordinary fixed complement to be quartered in the area specified in such proclamation as aforesaid.

(3) Subject to the provisions of sub-section (5) of this section, the cost of such additional police-force shall be borne by the inhabitants of such area described in the proclamation.

(4) The Magistrate of the district, after such enquiry as he may deem necessary, shall apportion such cost among the inhabitants who are, as aforesaid, liable to bear the same and who shall not have been exempted under the next succeeding sub-section. Such apportionment shall be made according to the Magistrate's judgment of the respective means within such area of such inhabitants.

(5) It shall be lawful for the Government by order to exempt any persons or class or section of such inhabitants from liability to bear any portion of such cost.

(6) Every proclamation issued under sub-section (1) of this section shall state the period for which it is to remain in force, but it may be withdrawn at any time or continued from time to time for a further period or periods as the Government may in each case think fit to direct.

Explanation.—For the purposes of this section, "inhabitants" shall include persons who themselves or by their agents or servants occupy or hold land or other immovable property within such area, and landlords who themselves or by their agents or servants collect rents direct from *rai-yats* or occupiers in such area, notwithstanding that they do not actually reside therein.

Awarding compensation to sufferers from misconduct of inhabitants or persons interested in land

15A.(1) If, in any area in regard to which any proclamation notified under the last preceding section is in force, death or grievous hurt or loss of, or damage to, property has been caused by or has ensued from the misconduct of the inhabitants of such area or any class or section of them it shall be lawful for any person, being an inhabitant of such area, who claims to have suffered injury from such misconduct to make, within one month from the date of the injury or such shorter period as may be prescribed, an application for compensation to the Magistrate of the district or of the sub-division of a district within which such area is situated.

(2) It shall thereupon be lawful for the Magistrate of the district, with the sanction of the Government after such enquiry as he may deem necessary, and whether any additional police-force has or has not been quartered in such area under the last preceding section, to,—

- (a) declare the persons to whom injury has been caused by or has ensued from such misconduct;
- (b) fix the amount of compensation to be paid to such persons and the manner in which it is to be distributed among them; and
- (c) assess the proportion in which the same shall be paid by the inhabitants of such area other than the applicant who shall not have been exempted from liability to pay under the next succeeding sub-section:

Provided that the Magistrate shall not make any declaration or assessment under this sub-section, unless he is of opinion that such injury as aforesaid had arisen from a riot or unlawful assembly within such area, and that the person who suffered the injury was himself free from blame in respect of the occurrences which led to such injury.

(3) It shall be lawful for the Government, by order, to exempt any persons or class or section of such inhabitants from liability to pay any portion of such compensation.

(4) Every declaration or assessment made or order passed by the Magistrate of the district under sub-section (2) shall be subject to revision by the Commissioner of the Division or the Government, but save as aforesaid shall be final.

(5) No civil suit shall be maintainable in respect of any injury for which compensation has been awarded under this section.

(6) **Explanation.**—In this section the word “inhabitants” shall have the same meaning as in the last preceding section.

16.(1) All moneys payable under sections 13, 14, 15, and 15A shall be recoverable by the Magistrate of the district in the manner provided by sections 386 and 387 of the Code of Criminal Procedure, 1882, for the recovery of fines, or by suit in any competent Court.

Recovery of moneys payable under section 13, 14, 15, and 15A and disposal of same when recovered

(2) [*Repealed by the Government of India (Adaptation of Indian Laws) Order, 1937.*]

(3) All moneys paid or recovered under section 15A shall be paid by the Magistrate of the district to the persons to whom and in the proportions in which the same are payable under that section.

17.(1) When it shall appear that any unlawful assembly, or riot or disturbance of the peace has taken place or may be reasonably apprehended, or that an offence under the Prevention of Smuggling Act, 1952, has been committed or may be reasonably apprehended, and that the police-force ordinarily employed for preserving the peace or for prevention of an offence under the Prevention of Smuggling Act, 1952, is not sufficient, for preservation of peace and for protection of the inhabitants and security of the property in the place where such unlawful assembly or riot or disturbance of the peace has occurred or is apprehended, or for prevention of such offence, it

Special police-officers

shall be lawful, for any police-officer not below the rank of an Inspector to apply to the nearest Magistrate and for the District Magistrate or the Sub-divisional Magistrate on his own motion, to appoint so many of the residents of the neighbourhood, as such police-officer may require or the District Magistrate or the Sub-divisional Magistrate may deem proper, to act as special police officers for such time and within such limits as the Magistrate or the District Magistrate or the Sub-divisional Magistrate shall deem necessary; and the Magistrate to whom such application is made by the police-officer shall, unless he sees cause to the contrary, comply with the application.

(2) The names of the special police-officers appointed under sub-section (1) shall forthwith be forwarded to the District Superintendent.

Powers of special police-officers

18. Every special police-officer so appointed shall have the same powers, privileges and protection, and shall be liable to perform the same duties and shall be amenable to the same penalties, and be subordinate to the same authorities, as the ordinary officers of police.

Refusal to serve as special police-officers

19. If any person being appointed a special police-officer as aforesaid shall without sufficient excuse, neglect or refuse to serve as such, or to obey such lawful order or direction as may be given to him for the performance of his duties, he shall be liable, upon conviction before a Magistrate, to a fine not exceeding fifty taka for every such neglect, refusal or disobedience.

Authority to be exercised by police-officers

20. Police-officers enrolled under this Act shall not exercise any authority, except the authority provided for a police-officer under this Act and any Act which hereafter be passed for regulating criminal procedure.

21. [Omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).]

Police-officers always on duty and may be employed in any part of district

22. Every police-officer shall, for all purposes in this Act contained, be considered to be always on duty, and may at any time be employed as a police-officer in any part of the general police-district.

23. It shall be the duty of every police-officer promptly to obey and execute all orders and warrants lawfully issued to him by any competent authority; to collect and communicate intelligence affecting the public peace; to prevent the commission of offences and public nuisances; to detect and bring offenders to justice and to apprehend all persons whom he is legally authorized to apprehend, and for whose apprehension sufficient ground exists: and it shall be lawful for every police-officer, for any of the purposes mentioned in this section, without a warrant, to enter and inspect any drinking-shop, gaming-house or other place of resort of loose and disorderly characters.

Duties of
police-officers

24. It shall be lawful for any police-officer to lay any information before a Magistrate, and to apply for a summons, warrant, search-warrant or such other legal process as may by law issue against any person committing an offence.

Police-officers
may lay
information,
etc.

25. It shall be the duty of every police-officer to take charge of all unclaimed property, and to furnish an inventory thereof to the Magistrate of the district.

Police-officers
to take charge
of unclaimed
property, and
be subject to
Magistrate's
orders as to
disposal

The police-officers shall be guided as to the disposal of such property by such orders as they shall receive from the Magistrate of the district.

26.(1) The Magistrate of the district may detain the property and issue a proclamation, specifying the articles of which it consists, and requiring any person who has any claim thereto to appear and establish his right to the same within six months from the date of such proclamation.

Magistrate may
detain property
and issue
proclamation

(2) The provisions of section 525 of the Code of Criminal Procedure, 1882, shall be applicable to property referred to in this section.

27.(1) If no person shall within the period allowed claim such property, or the proceeds thereof, if sold, it may, if not already sold under sub-section (2) of the last preceding section, be sold under the orders of the Magistrate of the district.

Confiscation of
property if no
claimant
appears

(2) The sale-proceeds of property sold under the preceding sub-section and the proceeds of property sold under section 26 to which no claim has been established shall be at the disposal of the Government.

Persons refusing to deliver certificate, etc., on ceasing to be police-officers

28. Every person, having ceased to be an enrolled police-officer under this Act, who shall not forthwith deliver up his certificate, and the clothing, accoutrements, appointments and other necessaries which shall have been supplied to him for the execution of his duty, shall be liable, on conviction before a Magistrate, to a penalty not exceeding two hundred taka, or to imprisonment with or without hard labour, for a period not exceeding six months, or to both.

Penalties for neglect of duty, etc.

29. Every police-officer who shall be guilty of any violation of duty or wilful breach or neglect of any rule or regulation or lawful order made by competent authority, or who shall withdraw from the duties of his office without permission, or without having given previous notice for the period of two months, or who, being absent on leave, shall fail, without reasonable cause, to report himself for duty on the expiration of such leave, or who shall engage without authority in any employment other than his police-duty, or who shall be guilty of cowardice, or who shall offer any unwarrantable personal violence to any person in his custody, shall be liable, on conviction before a Magistrate, to a penalty not exceeding three months' pay, or to imprisonment with or without hard labour, for a period not exceeding three months, or to both.

Regulation of public assemblies and processions and licensing of same

30.(1) The District Superintendent or Assistant District Superintendent of Police may, as occasion requires, direct the conduct of all assemblies and processions on the public roads, or in the public streets or thoroughfares, and prescribe the routes by which, and the times at which, such processions may pass.

(2) He may also, on being satisfied that it is intended by any persons or class of persons to convene or collect an assembly in any such road, street or thoroughfare, or to form a procession which would, in the judgment of the Magistrate of the district, or of the sub-division of a district, if uncontrolled, be likely to cause a breach of the peace, require by general or special notice that the persons convening or collecting such assembly or directing or promoting such procession shall apply for a license.

(3) On such application being made, he may issue a license specifying the names of the licensees and defining the conditions on which alone such assembly or such procession is to be permitted to take place and otherwise giving effect to this section: Provided that no fee shall be charged on the application for, or grant of, any such license.

(4) He may also regulate the extent to which music may be used in the streets on the occasion of festivals and ceremonies.

Music in the streets

¹[30A.(1) Any Magistrate or District Superintendent of Police or Assistant District Superintendent of Police or Inspector of Police or any police officer in charge of a station may stop any procession which violates the conditions of a license granted under the last foregoing section, and may order it or any assembly which violates any such conditions as aforesaid to disperse.

Powers with regard to assemblies and processions violating conditions of license

(2) Any procession or assembly which neglects or refuses to obey any order given under the last preceding sub-section shall be deemed to be an unlawful assembly.]

31. It shall be the duty of the police to keep order on the public roads, and in the public streets, thoroughfares, ghats and landing-places, and at all other places of public resort, and to prevent obstructions on the occasions of assemblies and processions on the public roads and in the public streets, or in the neighbourhood of places of worship, during the time of public worship, and in any case when any road, street, thoroughfare, ghat or landing-place may be thronged or may be liable to be obstructed.

Police to keep order in public roads, etc.

32. Every person opposing or not obeying the orders issued under the last three preceding sections, or violating the conditions of any license granted by the District Superintendent or Assistant District Superintendent of Police for the use of music, or for the conduct of assemblies and processions, shall be liable, on conviction before a Magistrate, to a fine not exceeding two hundred taka.

Penalty for disobeying orders issued under last three sections, etc.

¹ Section 30A was inserted by section 11 of the Police (Amendment) Act, 1895 (Act No. VIII of 1895).

Saving of control of Magistrate of district

33. Nothing in the last four preceding sections shall be deemed to interfere with the general control of the Magistrate of the district over the matters referred to therein.

Punishment for certain offences on roads, etc.

34. Any person who, on any road or in any open place or street or thoroughfare within the limits of any town to which this section shall be specially extended by the Government, commits any of the following offences, to the obstruction, inconvenience, annoyance, risk, danger or damage of the residents or passengers shall, on conviction before a Magistrate, be liable to a fine not exceeding fifty taka, or to imprisonment with or without hard labour not exceeding eight days; and it shall be lawful for any police-officer to take into custody, without a warrant, any person who within his view commits any of such offences, namely:—

Power of police-officers

Slaughtering cattle, furious riding, etc.

First.—Any person who slaughters any cattle or cleans any carcass; any person who rides or drives any cattle recklessly or furiously, or trains or breaks any horse or other cattle:

Cruelty to animals

Second.—Any person who wantonly or cruelly beats, abuses or tortures any animal:

Obstructing passenger

Third.—Any person who keeps any cattle or conveyance of any kind standing longer than is required for loading or unloading or for taking up or setting down passengers, or who leaves any conveyance in such a manner as to cause inconvenience or danger to the public:

Exposing goods for sale

Fourth.—Any person who exposes any goods for sale:

Throwing dirt into street

Fifth.—Any person who throws or lays down any dirt, filth, rubbish or any stones or building materials, or who constructs any cowshed, stable or the like, or who causes any offensive matter to run from any house, factory, dung-heap or the like:

Being found drunk or riotous

Sixth.—Any person who is found drunk or riotous or who is incapable of taking care of himself:

Seventh.—Any person who wilfully and indecently exposes his person, or any offensive deformity or disease, or commits nuisance by easing himself, or by bathing or washing in any tank or reservoir not being a place set apart for that purpose:

Indecent exposure of Person

Eighth.—Any person who neglects to fence in or duly to protect any well, tank or other dangerous place or structure.

Neglect to protect dangerous places

¹[34A.(1) No person shall sell or offer for sale any ticket once issued for admission as spectator to any place of entertainment at a price higher than the price at which such ticket was originally issued.

Prohibition to sell tickets, etc.

Explanation.—In this section, the word “entertainment” means any exhibition, performance, amusement, game or sports to which persons are admitted as spectators on production of tickets and a “place of entertainment” shall be construed accordingly.

(2) Whoever contravenes the provision of sub-section (1) shall be liable to imprisonment for a term which may extend to three months or to a fine which may extend to one hundred taka or to both.

(3) Any police-officer not below the rank of Sub-Inspector or Sergeant may arrest without warrant any person committing an offence under sub-section (1).]

35. Any charge against a police-officer above the rank of a constable under this Act shall be enquired into and determined only by an officer exercising the powers of a Magistrate.

Jurisdiction

36. Nothing contained in this Act shall be construed to prevent any person from being prosecuted under any other Regulation or Act for any offence made punishable by this Act, or from being liable under any other Regulation or Act or any other or higher penalty or punishment than is provided for such offence by this Act:

Power to prosecute under other law not affected

Provided that no person shall be punished twice for the same offence.

¹ Section 34A was inserted by section 2 of the East Pakistan (Amendment) Act, 1957 (Act No. XVIII of 1957).

Recovery of penalties and fines imposed by Magistrates

37. The provisions of sections 64 to 70, both inclusive, of the ¹[* * *] Penal Code, and of sections 386 to 389, both inclusive, of the Code of Criminal Procedure, 1882, with respect to fines, shall apply to penalties and fines imposed under this Act on conviction before a Magistrate:

Provided that, notwithstanding anything contained in section 65 of the first-mentioned Code, any person sentenced to fine under section 34 of this Act may be imprisoned in default of payment of such fine for any period not exceeding eight days.

38-40. [Repealed by section 14 of the Police Amendment Act, 1895 (Act No. VIII of 1895.)]

41. [Repealed by the Government of India (Adaptation of Indian Laws) Order, 1937.]

Limitation of actions

42. All actions and prosecutions against any person, which may be lawfully brought for anything done or intended to be done under the provisions of this Act, or under the general police-powers hereby given shall be commenced within three months after the act complained of shall have been committed, and not otherwise;

and notice in writing of such action and of the cause thereof shall be given to the defendant, or to the District Superintendent or an Assistant District Superintendent of the district in which the act was committed, one month at least before the commencement of the action.

Tender of amends

No plaintiff shall recover in any such action if tender of sufficient amend shall have been made before such action brought, or if a sufficient sum of money shall have been paid into Court after such action brought, by or on behalf of the defendant, and, though a decree shall be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant, unless the Judge before whom the trial is held shall certify his approbation of the action:

¹ The word "Pakistan" was omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

Provided always that no action shall in any case lie where such officers shall have been prosecuted criminally for the same act.

43. When any action or prosecution shall be brought or any proceedings held against any police-officer for any act done by him in such capacity, it shall be lawful for him to plead that such act was done by him under the authority of a warrant issued by a Magistrate.

Plea that act was done under warrant

Such plea shall be proved by the production of the warrant directing the act, and purporting to be signed by such Magistrate and the defendant shall thereupon be entitled to a decree in his favour, notwithstanding any defect of jurisdiction in such Magistrate. No proof of the signature of such Magistrate shall be necessary, unless the Court shall see reason to doubt its being genuine:

Provided always that any remedy which the party may have against the authority issuing such warrant shall not be affected by anything contained in this section.

44. It shall be the duty of every officer in charge of a police-station to keep a general diary in such form as shall from time to time, be prescribed by the Government and to record therein all complaints and charges preferred, the names of all persons arrested, the names of the complainants, the offences charged against them, the weapons or property that shall have been taken from their possession or otherwise, and the names of the witnesses who shall have been examined.

Police-officers to keep diary

The Magistrate of the district shall be at liberty to call for and inspect such diary.

45. The Government may direct the submission of such returns by the Inspector-General and other police-officers as to such Government shall seem proper, and may prescribe the form in which such returns shall be made.

Government may prescribe form of returns

Scope of Act

46.(1) This Act shall not by its own operation take effect in any ¹[* * *] place. But the Government by an order to be published in the official Gazette may extend the whole or any part of this Act to any ²[* * *] place, and the whole or such portion of this Act as shall be specified in such order shall thereupon take effect in such ³[* * *] place.

(2) When the whole or any part of this Act shall have been so extended, the Government may, from time to time, by notification in the official Gazette, make rules consistent with this Act—

- (a) to regulate the procedure to be followed by Magistrates and police-officers in the discharge of any duty imposed upon them by or under this Act;
- (b) to prescribe the time, manner and conditions within and under which claims for compensation under section 15A are to be made, the particulars to be stated in such claims, the manner in which the same are to be verified, and the proceedings (including local enquiries if necessary) which are to be taken consequent thereon; and
- (c) generally, for giving effect to the provisions of this Act.

(3) All rules made under this Act may from time to time be amended, added to or cancelled by the Government.

47. [Omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).]

FORM

(See section 8)

A. B. has been appointed a member of the police-force under Act V of 1861, and is vested with the powers, functions and privileges of a police-officer.

¹ The words "Province or" were omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

² The words "Province or" were omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

³ The words "Province or" were omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

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