

MOFUSSI POLICE (BENGAL)

ACT NO. XXIV. OF 1837

[Rep., Act 8 of 1868]

[2d October, 1837.]

*Passed by the Right Hon'ble the Governor General of India in Council, on the 2d October, 1837.*

I. It is hereby enacted, that it shall be lawful for the Governor of the Presidency of Fort William in Bengal to appoint a Superintendent of Police for the Territories under his Government or for any part thereof, and for the Lieutenant Governor of the N.W. Provinces to appoint a Superintendent of Police for those Provinces, or for any part thereof.

II. And it is hereby enacted, that whenever a Superintendent of Police shall be appointed under this Act, such parts of Section 7, Regulation I. 1829 of the Bengal Code, as vest the Commissioner of Revenue and Circuit with the duties and powers belonging to the Superintendent of Police, shall cease to have effect in the Territories which may be comprised within the jurisdiction of such Superintendent,--- and such Superintendent shall be guided in the execution of the duties of his Office by the Rules contained in Regulation X. 1808, and other Regulations of the Bengal Code, subsequently enacted, in regard to the said Office, in so far as they may not be modified or repealed by this Act.

III. And it is hereby enacted, that whenever such a Superintendent of Police as aforesaid shall be appointed for any jurisdiction, Section 3, Regulation IX. 1831 of the Bengal Code, shall cease to have effect within that jurisdiction.

IV. And it is hereby enacted, that the Superintendent of Police appointed under this Act, shall exercise all the powers that may be now legally exercised by the Commissioners of Circuit, in virtue of the authority vested in them by Section 3, Regulation I. 1829 of the Bengal Code, in regard to the appointment, suspension and removal of any Ministerial or Police Officer, subordinate to any Zillah or City Magistrate, or Joint Magistrate.

V. And it is hereby enacted, that whenever the whole administration of criminal Justice shall, under the provisions of Act No. VII. Of 1835, be vested in any Session Judge, such Session Judge shall receive and try any appeal made to him from any order of any Zillah or City Magistrate, or Joint Magistrate, whether such order may have been passed in a Criminal trial or in any Judicial proceeding whatever--- provided, that it shall be a Zillah or City Magistrate, or Joint Magistrate, regarding the appointment, suspension, or removal of any Ministerial or Police Officer, the revision of which has by Section IV. of this Act been entrusted to the Superintendent of Police.

VI. And it is hereby enacted, that the decision of a Session Judge in Appeal from the order of a Zillah or City Magistrate, or Joint Magistrate, in any Judicial proceeding other than a Criminal trial; and also the orders of the Superintendents of Police in regard to the appointment, suspension, or removal of a Ministerial or Police Officer of a Zillah or City Magistrate, or Joint Magistrate, passed under the provisions of Section IV. And V. of this Act, respectively, shall not be open revision by the Nizamut Adawlut.

VII. And it is hereby enacted, that whenever the whole administration of Criminal Justice shall, under the provisions of Act No. VII. 1835, and Section V. of this Act, be vested in any Session Judge, such Session Judge shall possess the same control and superintendence over every Jail under the management of any Zillah or City Magistrate, or Joint Magistrate, subject to his jurisdiction, and over the Officers of every such Jail as may have been exercised by the Commissioners of Circuit under the provisions of Section 3, Regulation I. 1829, or of any Regulation, Act or Circular Order of the Nizamut Adawlut, which may have been passed or issued since the promulgation of the said Regulation.

VIII. And it is hereby enacted, that this Act shall come into operation on the 1st of January 1838, except so much thereof as authorizes the appointment of Superintendents of Police which shall come into operation from the day of the passing of this Act.

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