

# The Police Act, 1861

( ACT NO. V OF 1861 )

## **2. 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 <sup>3</sup>[any part of Bangladesh], in which this Act shall be ordered to take effect:

the words "District Superintendent" and "District Superin-tendent 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.

### **Constitution of the force**

2. The entire police-establishment under <sup>4</sup>[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.

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.

### **General police districts**

<sup>5</sup>[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**

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

**deemed to  
be one  
police force**

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.]

**Superintendence  
in the  
Government**

3. The superintendence of the police throughout a general police-district shall vest in and shall be exercised by the Government <sup>6</sup>[\* \* \*]; 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.

**Inspector-  
General of  
Police, etc.**

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.

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.

**Additional  
Inspector-**

<sup>7</sup>[4A. (1) The Government may, whenever necessary appoint an Additional Inspector-General of Police.

**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.]

**Powers of  
Inspector-  
General  
Exercise of  
powers**

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.

**[Repealed]**

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 [Repealed by the Code of Criminal Procedure, 1882 (Act No. X of 1882).]

**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.

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

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-  
officers not  
to engage  
in other  
employment**

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.

**[Repealed]**

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 [Repealed by the Repealing Act, 1874 (Act No. XVI of 1874).]

**Power of  
Inspector-  
General to  
make rules**

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 necessities