

## WEST BENGAL SECURITY ACT, 1948

DIEU DROIT Government of West Bengal Judicial and Legislative (Legislative) Department West Bengal Act III of 1948 The West Bengal\* security iAct 1948 Superintendent, Governinent Printing West Bengal Government Press, Alipore, Bengal 1948 Price—Indian, annas 8; English, 10d. 1. 2. 3. 4

**5. West Bengal Act Ili of 1948 THE WEST' BENGAL SECURITY ACT, 1948.**CONTENTS.' OHAPTBR 1. Preliminary. Short title, extent and commencement. Definitions. Effect oi the provisions of the Act when inconsistent with other law. Saving. Non-compliance with the provisions of this Act or any Orders made thereuglder, Prevention of Subversive Acts. Sabotage. 8. 10. 19. at3. 14. 15. 16. 17. 18.- 19. 20. 21. 92. - 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. '38. 34. 35; 362 37, Prohibition of subversive acts, publications and' communications. Proscription, etc., of certain documents

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CHAPTER Ili. Public .Safity and Order. Punishment for caræying or possessing any corrosive substance or liquid. Definition of looting. Use of force to stop looting. Curfew. Amendment of sections 127 and 128 of the Code of Criminal Procedui:e, 1898. Control of -processions, meefÄngs, etc. Power to make orders restricting the movements or actions of or• 'detaining cer persons. Duration of orders made under section 16. Grounds of. order-yof#detentionvto. disclosed. \$0 per.eon affectedede order. Control of Use"of loudspe»kers, megaphones, &tc. Ünlawful\*drilling. •Ünoffcia.l uniforms, c ate. Pofers ot reqt\re the <a.ssistance of certain persons. OHAPTER Iv. Miscellaneous Provisions. Pdwer to obtain införmation. False statement. Requisitioning of property. Publication ana service of notices. OBA.PTER, V. supplementary and Procedural. Attempts, etc., to contravene the provisions of the Act. Special provision for searches. General power of arrest without warrant. Powers of arrest and detention. Cognizance of contraventions of the provisions of the Act or orders made thereun Power to give effect to orders, etc. Savincr as to orders. Protection of action taken under the Act. Delegation of powers and duties of the Provincial Governmeni, -Power to make rules. Saying and repeal. West Bengal Act III of 1948 THE WEST BENGAL SECURITY ACT, 1948. [Passed by the West Bengal Legislature.] [AASelit of the Goveinor-General. w.as first published in the Oatcutta Gazette, •Dctraordinaa•y, of the 13th March, 1948.] An Act to malee special provision for the maintenance of. public order by• the. prevention• Df illegal acquisition, posyee.s.q;on or use of arqns, the suppression of subpe\_rsive moüements endangering communal harmony or the safety or stability of the Prooince, the suppression of goondas and for, -supplies .seroices Correction slips for the Wesf Bengal Security. Act, 1948 (West Ben, Act 111 of 1948). Pages 1, 2— In section 2,— substitute the following clause, (1) for clause (1), namely : — 'essential commodity' means f08d, 6 water/ fuel, light OT power and includes such other thing• as may be declared by the Provincial Govern- ment by notification to be essential for the life of the community ; , 8 extent, com- (3) The Provincial 'Government may, by notification ment direct that all or any of .t provisions of.\*this.Act shall come and into force in the whol any part of tl\te province of West duration. Bengal on such' date as may be in the notification and may, by like notification, direct that the said provisions or any of them shall cease to ebe in force in the said province .or port, as the case may be,• on such date as •may specified ill the notification. (41 It shall, in the first instance, remain in force for a perio of one year; provided that if a resolution in that behalf is, before the date on which under this sub-section it would o.otherwise have ceased to operate, passed ib.y the Provincial Legislature, it shall continue in force for a further period of one year from such date. 2M In this Act, unless there is anything repugnant in Defi- the subject or context,— nitions. Ben, Act 1 of 1923. (1) (2) essential commodity" means food, water, fuel, light, power or any other thing essential for the existence of the community which is notified in this behalf by the Provincial Government ; 'goonda" has %he. same meaning as tin the Goondas Act, 1923 ; West Bengal Act 111 1948 THE WEST BENGAL SECURITY ÅCT, 1948. [Passed by the West Bengal Legislature.] CAss&fft, of the Gove1\*nor-General w.as first published in the Calcutta Gazette, Doctraordinury, of the 13th March, 1948.] An Act to make special provision for the maintenance Qi. public order by .the. pretentionr of illegal acquisition, possession or use of arqns, the suppression of subœvrsioe mobements endan.gering communal harmony or the safety or stability of the Province, the suppression of goondaS and for. .;maintaining u,suppZies and sgrodcce• essential to the Zi'fe of the commÜnity. WHEREAS it is expedient to make special provision for {the maintenance of public order by tye prevention of illegal acquisition,

possession or use of arms, the suppression of subversive movements endangering communal harmony or the safety or stability of the province, the suppression of goondas and f01' maintaining supplies and services essential to the life of the community ; It is hereby enacted as follows : — CHAPTER 1. Preliminary. (1) This Act may be called the West Bengal Security Act, 1948. extends to (3) The ProvinFäovernment may, by notifiigatiön direct that all or jhe provisions off this. Act shall come •and into force in the whole or in any part of tlfë province of West Bengal on such• date as may be 'in the notification and may, by like notification, direct that the said provisions or any of them shall cease to abe in force in the said province .or part, as the case may be,• on •such date as may •be specified in the notification. Short bitle,• extent, com- mence• ment duration. (4) It shall, in the first instance, remain force for a period of one year; provided that if a •resolution in that behalf is, before the date on which under this sub-section it would otherwise have ceased to operate, passed ib. &the Provincial 'Legislatur's it shall continue in force fir a further period of one year from such date. 21 In this Act, unless there is anything repugnant in Defi- the subject or context,— nitions. (1) (2) Ben. Act 1 i. of 1923. Li 'essential commodity' means food, water, fuel, liaht, power or any other thing essential for the existence of the commånunity which is notified in this behalf by the Provincial Government ; ooonda" has. the same as fin the Goondas AOct, 1923; 2 (3) (4) (5) (6) (7) The VVest Benbal Security Act, 1948. [West Ben. Act (Chapter 4.) "notified" oncl "notification" mean notified and noti- fication in the Official Gazette; 'prejudicial report' means any report; statement or visible repreSentation, which, or the publishing of which, is, or is an incitement to the commission of; a subvërsive act as defined in clause 7; 'prescribed" means prescribed by any order made under this • Act ; "public servant"• incÄHes any public servant as defined in the Indian Penal Code and any servant-Qf any local authority or railway administration. "subversive act" means any act which is intended OT . is likely— (a) to endanger— (i) communal harniony, or (ii)• the- Safety or stability of the Province ; (b) to organise, further or hell) the illegal acquisition, possession or use of— (i/ arms, ammunition or •military stores as defined in the Indian' Arms Act, 1878, (ii) explosive substances (as defined in the Explosive Substances Act, 1908), or (iii) corrosive substances or liqtiidg ; (c) to further the activities of goondas; (d) to prejudice the recruiting of, or the attendance of persons for service in, any police force or fire brigade 01' any other body of persons entered, enrolled or encraged as public . servants 01' to glamper with thue loyplty 'f such persons ; (e) to impede, delay or restrict any work or any means of transport OT locomotion necessary for the supply or distribution of any essential commodity except Act XLV of 1860. X1 of 18780 . VI of 190 Effect of the pro- visions of the Act when incon- sistent •with other law. Saving. ein furtherance of an industriäl dispute as defined + XIV.o\$ in the. Indxistr.ial . Disputes Act, •1947

**1947. DopZanatiörv.2+Acts** bond fide •indicating disapprobation of the policy or measures f the Government With a •view to obtain their altdraEion b, 'lawful means shall not be deemed to be acts which are i „,3ndec1 are likely to gndanger the safety or stability of province. 3D • The provisions of this Act and of orders made thereunder shall have effect notwithstanding •ailYthing incon- siste.nt therewith contained in any other law for the time being in foicc or in any instrumellt having effect by •virtue of any suéh law

**4. No prohibition, restriction or disability imposed by or under this Act, unless otherwise expressly provided by an order issued by the Provincial Government or by an officer• specially authorised by the Provincial Government in this.behalf,** shall apply to anything done by, or under .the direc- tion of, any public servant: acting in the course of his duty a.s such public servant. (3) ' Where in pursuance of .sub2Bection (2) any person is granted permission to enter, or to be on or in, or to pass over, a protected place; that pergon 'Bhpll, while .acting under such permission, comply with such orders e for regulating hig conduct •as •may be given by the Provincial Government. (4) Any police officer, or any other person authorised in this behalf by the Provincial Government, may gearch any person entering, or seeking to enter, or. being on or in, or. leoxing, a protected place, and any vehicle, vessel, animal or "articleæbrought in, by such person and may, \$0! the pur- pose of the search-, detain such person, vehicle, vessel, animal - and article : Provided that no woman shall be searched in pursuance bf this sub-section except by a woman. (5) If any persön is in a protected place in -contraven- tion of this 'Bection, then without prejudice to any other pro- ceedings which may be taken against him, he may -be removed therefrom by any police officer or by any other person authorised in this behalf by the Provincial Govern- ment. (6) If any person iB in a protected place in contravention of any of the provisions of this secti'on, he shall be punishable with

imprisonment for a term which may extend to three years or with fine or with both. 5B. (1) If the Provincial Government considers it necessary or expedient to regulate the entry of persons into any area, the Provincial Government may, without prejudice to any other provision of this Act, by order declare the area to be a protected area; and thereupon, for so long as the order is in force, such area shall be a protected area for the purposes of this Act. (2) On and after such day as may be specified in, and subject to any exemptions for which provision may be made by, an order made under sub-section (1), no person who was not at the beginning of the said day resident in the area declared to be a protected area by the said order shall be therein except in accordance with the terms of a permit in writing granted to him by an authority or person specified in the said order. (3) Any police officer, or any other person authorised in this behalf by the Provincial Government, may search any person entering or seeking to enter; or being on foot in, or leaving, a protected area, and any vehicle, vessel, animal, or article brought in by such person, and may, for the purpose of the search, detain such person, vehicle, vessel, animal and article: Provided that no woman shall be searched in pursuance of this sub-section except by a woman. (4) If any person is in a protected area in contravention of the provisions of this section, then, without prejudice to any other proceedings which may be taken against him, he may be removed therefrom by or under the direction of any police officer on duty in the protected area. (5) If any person is in a protected area in contravention of any of the provisions of this section, he shall be punishable with imprisonment for a term which may extend to three years or with fine or with both. both. Page 3— After Chapter I, insert the following Chapter, namely: — 'IA. Access to certain places and areas. 5A. (1) If as respects any place or class of places the Provincial Government considers it necessary or expedient, that special precautions should be taken to prevent the entry of unauthorised persons, the Provincial Government may, by order declare that place, or, as the case may be, every place of that class to be a protected place; and thereupon, for so long as the order is in force, such place or every place of such class, as the case may be, shall be a protected place for the purposes of this Act. (2) No person without the permission of the Provincial Government, shall enter, or be on or in, or pass over, or loiter in the vicinity of, any protected place. Forcing or evading a, xufi'd. Orders for certain places and areas

**50. Any person who effects or attempts to effect entry into a protected place or protected area—** (a) by using, or threatening to use, criminal force to any person posted for the purpose of protecting, or preventing or controlling access to, such place or area, or (b) after taking precautions to conceal his entry or attempted entry from any such person, shall be punishable with imprisonment for a term which may extend to five years or with fine or with both. 5D. (1) Without prejudice to any other provision of this Act, the Provincial Government, as respects— (a) any place or area declared by it to be a protected place or protected area, or (b) any other place or area in relation to which it appears to it to be necessary to take special precautions for preventing or suppressing subversive acts for maintaining supplies and services essential to the life of the community, may make orders for controlling or regulating the admission of persons to, and the conduct of persons in and in the vicinity of, such place or area. (2) Without prejudice to the generality of the foregoing provisions, orders made under sub-section (1) in relation to any place or area may make provision— (a) (b) (c) (d) for restricting the admission of persons to such place or area and for removing therefrom any person who is therein in contravention of the orders or who has been convicted of any contravention of the provisions of this Act; for requiring the presence of any person or class of persons in such place or area to be notified to a prescribed authority and for requiring any person who has been convicted of any such offence as is mentioned in clause (a) of this sub-section to report his movements while in such place or area and to observe any other condition imposed upon him by a prescribed authority; for requiring any person or class of persons in such place or area to carry such documentary evidence of identity, as may be prescribed; and for prohibiting any person or class of persons from being in possession or control of any prescribed article. (3) An order made under this section in respect of a protected place or protected area may exempt such place or area from all or any of the provisions of this Act which are expressed to apply to or in relation to a protected place or protected area, as the case may be, or may direct that all or any of the said provisions shall apply, subject to such modifications as may be specified in the order. (4) An order made under this section in respect of a place or area which is not a protected place or protected area may direct that all (or any of the provisions of this Act which are expressed to apply to or in relation to a protected place or protected area may extend to seven years or with fine or with both, The West Bengal Security Act; 1948.. 111 of 1948.] (Chapter .11.—Prevention of Subversive

Acts.—Sections 5, 6.) 5. If any person to whom any provision of this Act relates or to whom any order made in pursuance of any such provision is addressed or relates or who is in occupation, possession or control of any land, building, vehicle vessel or other thing to which such provision relates, or in respect of which such order is made— Non-compliance with the provisions of this Act or any (a) fails without lawful authority or excuse, himself, to obey orders in respect of any land, building, vehicle, vessel or other thing of which he is in occupation, possession under or control, to comply with such provision or order; or (b) evades, or attempts to evade, by any means such provision, or order, he shall be deemed to have contravened such provision or order

CHAPTER 11. Prevention of Subversive Acts. 6. (1) No person shall do any act with intent to impair Sabotage, the efficiency or impede the working of, or to cause damage to,— (a) any building, vehicle, machinery, apparatus or other property used or intended to be used, for the purpose of Government or any local authority ; (b) any railway (as defined in the Indian Railways Act, 1890), aerial ropeway (as defined in the Bengal Aerial Ropeways Act, 1923), tramway, road, canal, bridge, culvert, causeway, port, dockyard, lighthouse, aerodrome (as defined in the Indian Aircraft Act, 1934), air-field, air-strip or any installation thereon or any telegraph line or post (as defined in the Indian Telegraph Act, 1885) ; (c) any rolling-stock of a railway or tramway or any vessel or aircraft ; (d) any building or other property used in connection with the production, distribution or supply of any essential commodity, any sewerage works, mine or factory ; (e) any prohibited place as defined in sub-section (8) of section 2 Indian Official Secrets Act, 1923. (2) The provisions of sub-section (1) shall apply in relation to any omission on the part of a person to do anything which he is under a duty, either to the Provincial Government or to any public authority or to any person, to do, as they apply to the doing of any act by a (3) If any person contravenes any of the provisions of this section, he shall be punishable with imprisonment for a term which may extend to seven years or with fine or with both. 3. After clause (5), insert the following clauses, namely — (5a) 'protected place' means a place declared under section 5A to be a protected place; and (5b) 'protected area' means an area declared under section 5B to be a protected area (3) to clause- (6), add the following word, namely : 'and any person engaged in any employment or class of employment which the Provincial Government may, from time to time, declare to be employment or class of employment essential to the life of the community (4) in clause (7), for sub-clause (e), substitute the following sub-clause, namely : — '(e) to impede, delay or restrict— (i) any work, or (ii) any means of transport or locomotion, necessary for the production, supply or distribution of any essential commodity except in furtherance of an industrial dispute as defined in the Industrial Disputes Act, 1947 ; and (b) renumber the explanation as paragraph (i) thereof and after the said paragraph, as so re-numbered, add the following paragraph, namely : — "(ii) An illegal strike or an illegal lock out, as defined in section 24 of the Industrial Disputes Act, 1947, shall not be deemed to be industrial dispute for the purposes of sub-clause (e)". (Substituted, inserted, added and re-numbered by West Bengal Act of 1948, section 2.) [NO. 43, dated the 5th June, 1949.] 1947. place or, protected area, in the case may be, shall apply in relation to the place or area in respect of which the order is made either without modification or subject to such modification as may be specified in the order. (5) If any person contravenes any order made under this section, he shall be punishable with imprisonment, for a term which may extend to three years or with fine or with both." (Inserted by West Bengal Act 1948, 3.) [No. 43, dated the 5th June, 1949.] 4 The West Bengal Security Act, 1948. West Ben. Act (Chapter of Subversive Acts.—Sections 7, 8.) 7. (1) No person shall, without lawful authority or prohibition of excuse,— subversive acts, publications and communications. Proscription, etc of certain documents. (a) do any subversive act; or (b) make, print, publish or distribute any document containing, or spread by any other means whatsoever, any prejudicial report. (2) The author, editor, printer and publisher of, and any person who otherwise makes or produces any prejudicial report, and any person who distributes or sells any report of that nature, knowing it to be of such nature, shall be deemed to have contravened this section. (3) If any person contravenes any of the provisions of this section, he shall be punishable with imprisonment for a term which may extend to five years or with fine or with both : provided that in any proceedings arising out of a contravention of this section,— (a) in relation to the making or printing of any document, it shall be a defence for the accused to prove that the said document was made or printed, as the case may be,— (i) before the Bengal Special Powers Ordinance, 1946, Ben. Ord. came into force, or (ii) with the permission or under the authority of the Provincial Government, or (iii) as a proof intended for

submission to the Provincial Government or to a person or authority designated by the Provincial Government— in this behalf with a view to obtaining permission for its publication ; (b) in relation to the publication of any document it shall be a defence for the accused to prove that the said document was published— (i) before the Bengal Special Powers Ordinance, 1946, came into force, or (ii) with the permission or under the authority of the Provincial Government. 8. (1) Where in the opinion of the Provincial Government any document made, printed or published, whether before or after this Act comes into force, contains any prejudicial report, the Provincial Government may, by order,— (a) require the author, printer, publisher or person in possession of such document not being a newspaper to inform the authority specified in the order of the name and address of any person concerned in the making of such report; (b) provide for the safe keeping by persons in possession of such document and copies thereof ; (c) require the delivery of such document and any copy thereof to any authority specified in the order; The West Bengal Security Act, 1948. 111 of 1948.] 5 XXIII of 1931. (Chapter 11.—Prevention of Subversive Acts.—Section 9.) (d) prohibit the further publication, sale or distribution of such document, of any extract therefrom or of any translation thereof, including, in the case of a newspaper or other periodical, the publication, sale or distribution of any subsequent issue thereof ; (e) declare such document and every copy or translation thereof or extract therefrom, to be forfeited to His Majesty. (2) Where in pursuance of subsection (1) any document is required to be delivered to a specified authority, that authority may enter upon and search any premises whereon or wherein such document or any copy thereof is or is reasonably suspected to be. (3) Where in pursuance of subsection (1) any document has been declared to be forfeited to His Majesty, any police officer may seize any copy thereof, wherever found and any Magistrate may by warrant authorise any police officer not below the rank of Sub-inspector to enter upon and search any premises whereon or wherein such document or any copy thereof is or is reasonably suspected to be. (4) If any person contravenes any order made under this section, he shall be punishable with imprisonment for a term which may extend to three years or with fine or with both. 9. (1) The Provincial Government may, for the purpose of preventing or suppressing subversive acts, by order impose addressed to a printer, publisher or editor, or to printers, censorship. Publishers and editors generally,— (a) require that all matters, or any matter relating to a particular subject or class of subjects, shall, before being published in any document or class of documents, be submitted for scrutiny to an authority specified in the order ; (b) prohibit or regulate the making or publishing of any document or class of documents, or of any matter relating to a particular subject or class of subjects, or the use of any press, as defined in the Indian Press (Emergency Powers) Act, 1931. (2) If any person contravenes any order under subsection (1), then, without prejudice to any other proceedings which may be taken against such person, the Provincial Government may declare to be forfeited to His Majesty every copy of any document published or made in contravention of such order and any press, as defined in the Indian Press (Emergency Powers) Act, 1931, used in the making of such document. (3) If any person contravenes any order made under this section, he shall be punishable with imprisonment for a term which may extend to five years or with fine or with both. Explanation.—In this Chapter 'document' includes gramophone records, sound tracks and any other articles on which sounds have been recorded with a view to their subsequent reproduction. 64 The West Bengal Security Act, 1948. L West Ben. Act Punishment for, carrying or possessing any corrosive substance or liquid. Definition of looting. of force to stop looting. Curfew. (Chapter 111.—Public Safety and Order.—Sections 10—13.) CHAPTER 111. Public Safety and Order.— 10. Any person who carries on his person or knowingly has in his possession or under his control any corrosive substance or liquid, under such circumstances as to give rise to a reasonable suspicion that he does not carry it on his person or have it in his possession or under his control for a lawful object, shall, unless he can show that he was carrying it on his person or that he had it in his possession or under his control for a lawful object, be punishable with imprisonment for a term which may extend to seven years, to which fine may be added. 111 Whoever commits dacoity, robbery, theft, or theft in a building, vessel or vehicle or criminal misappropriation, if (a) (c) commission of such offence takes place, during a riot or any disturbance of the public peace at or in the neighbourhood of the riot, or the place at which such disturbance of the public peace occurs, or in any area in which a riot or disturbance of the public peace has occurred and before the order has been completely restored in such area, or in circumstances such that a person whose property is stolen or criminally misappropriated is not, as a consequence of rioting or any other disturbance of the public peace,

present or able to protect such property, is said to commit the offence Of looting. 125 Any police-officer may use such force 'as may be necessai'y even to the caysing of death in order to . stop the coilmissiou of the offence of looting wiã-l•in\$ his view. 131 (1) The Commissionell of Police in Calcutta and the District Magistrate elsewhere may, subject to the control of the ProvinciaYGovernment, by order direct. that, subject to any exemption specifiedßll the order. no pepon present within any area or areas specified ill the order shall, between such hours as may be specified in the order, be out of doors except under the authority of a written permit granted by a specified authority or person. (2) If any person contravenes any order made undef this section, he shall be punishable with imprisonment for a term which may extend to one year or with fine or with both. (3) In this section "Calcutta" means the town of Calcutta as defined in section 3 of the Calcutta Police Act, 1866, Ben. Act together Tith the suburbs of Calcutta as defined by no±ifica- IV of 1866. tion under section 1 of the Calcutta Suburban Rolibe Act, Ben. Aob 1866. 11 of 1866. The west Security Act, 1948. 111 of 1948.] 7 Act, V 1898. (Chapter III.—Public Safety and Order.—Sections 14—16.) 141 During the continuance in operation of 'this Act, in sections 127 and 128 of the Code of Criminal Procedure,, 1898, for the wprds "or offcer in charge of a päi'ce-Stafioh" the words ' 'or any police-offcer of or above the rank of a head constable" shall be deemed to have been substituted.

Page 7— Amend- ment of sections 127 and 128 of the Code' of Cri- In sub-section (1) of section 15, after the words e 'com- munal peace" add the words to endanger the safety or stability of the Province". (Added by West Bengal Act XIX of 1948, section 4.) [No. 43, dated •the 5th June, 1949.] Page 7— After section 15 insert the following section, namely : — N' '15A. (1) If, in the opinion of the Provincial, Govern- ment, it iB necessary or expeäient so Control of move- to do for preventing or suppressing ments of commodities, subversive acts or for maintaining articles or things. supplies and services essential to the life of the community, it may, by general or special order, prohibit or restrict the movement of any commodity, article or thing (including any. either aircraft or animal) vessel, vehicle, generally or between any particular places or on. any particular route. (2) If any person contravenes any order made under sub-section (I), he shall be punishable with imprisonment for a temn which may extend to three years or with fine or with both and the Court trying the offence shall order that the article or thing (including vessel, •vehicle, aircraft or animal) in •respect ot which the offerice has been committed shall be for\$eited to His Majesty. ' ' — (Inserted bv West Bengal Act XIX of 1948, section 5.) [No. 43, dated the 5th June, 4949.] such rést!lctons as may •be spéci- fiel ill the order in ' RÉpect of his employment, business or movements, in respect of his associ@tion communication with other persons, and in res- pect .of his activities in relation Io the dissemina- {ion. Of news or propagation of opinions. (2) Where an order is made under sub-section (1) direct- ing any person to be detained, the Provincial Government may, if it so thinks fit, grant to such person, in accordance with such vules as it may make in this behalf, such allowamee or expenses as it may deem appropriate. (3) If any person is in any area-or place in contravention of an order made under the provision of this section, or fails edure, of 3SBiong ;ings, • töQ cting iove• or Qing The west Security Act, 1948. 111 6f 1948.] Act V of 1898. (Chapter III.—Public Safety and Order.—Sections 14——16.) 14, During the continuance in operation of :.thiB Act, Amend- in sections 127 and 128 of the Code of Criminal ProcedetlFe,. . ment of 1898, for the words ' 'or offcer in charge of a päïce-ötaffon sections 127 and the words ' 'or any police-offcer of or above the railk of 128 of a head constable" shall be deemed to have been substituted. the Code• of Cri- minal Procedure, 1898. 152

(1) The Provincial Government may, by general or Control of special order, prohibit, restrict or impose conditions upon, processions, The holding of or taking part in processions, meetings or meetings, etc. •assemblies which, in its opinion, are likely' to disturb the •communal peace. (2) Any police-offcer may take such steps, and use such force, as may be reasonably necessary for securing compliance with any order made under this section. (3) If any person contravenes any order made under this •section, he shall be punishable with imprisonment for a term Thich may extend to three years or with fine or with both. 161

(1) The Provincial Government, if satisfied on reasonable •ground\* with respect to any particular peEéon that with a view to preventing him from doing any sub- versive act it is necessary so to do, may make an order— (a) (b) (c) (e) directing that he be detained; directing that, except in so far as he may be per- mitted by the provisions of the order, or by such authority 0l' person as may be specified therein, he shall not be in any such area or place in West Bengal as may be specified iii the order ; requiring him to reside or remain in such place or within such area in West Bengal as may be speci- • fled in the order and if he is not already there to proceed to that place or area Titßin such time as may be specified in the ordeF; requiring

him to notify his movements or to report himself or both to notify his movements and report himself in such manner, at such times and to such authority or person as may be specified in the order; imposing upon him such as may be specified in the order in respect of his employment, business or movements, in respect of his or communication with other persons, and in respect of his activities in relation to the dissemination of news or propagation of opinions. Power to make orders restricting the movements or actions of or detaining certain persons. (2) Where an order is made under sub-section (1) directing any person to be detained, the Provincial Government may, if it so thinks fit, grant to such person, in accordance with such rules as it may make in this behalf, such allowances or expenses as it may deem appropriate. (3) If any person is in any area or place in contravention of an order made under the provision of this section, or fails to comply with the provisions of an order made under section 16. (Chapter III.—Public Safety and Order.—Section 17.) to leave any area or place in accordance with the requirements of such an order then, without prejudice to the provisions of sub-section (6), he may be removed from such area or place by any police-officer or by any person acting on behalf of the Provincial Government. (4) So long as such an order as aforesaid in respect of any person directing that he be detained, is in force, he shall be liable to be removed to and detained in such place and under such conditions, which may include conditions as to maintenance, discipline or punishment for offences and breaches of discipline, as the Provincial Government may from time to time by general or special order specify. (5) If the Provincial Government has reason to believe that a person in respect of whom such an order as aforesaid has been made directing that he be detained has absconded or is concealing himself so that the order cannot be executed, it may— (a) make a report in writing of the fact to a Presidency Magistrate or a Magistrate of the first class having jurisdiction in the place where the said person ordinarily resides; and thereupon the provisions of sections 77, 88 and 89 of the Code of Criminal Procedure, 1898, shall apply in respect of the said person of 1898. and his property as if the order directing that he be detained were a warrant issued by the Magistrate; (b) by notified order direct the said person to appear before such officer, at such place, within such period as may be specified in the order; and if the said person fails to comply with such direction he shall, unless he proves that it was not possible for him to comply therewith and that he had, within the period specified in the order, informed the officer of the reason which rendered compliance therewith impossible and of his whereabouts, be punishable with imprisonment to one year, or with fine, or with both. (6) If any person contravenes any order made under this section, clause (b) of sub-section (5), he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both, as may be specified in the order or for the period subsequent to the date of issue of such order during which this Act continues in operation, whichever is less, unless earlier cancelled by the authority making the order: "Provided that the Provincial Government may, if and so often as it thinks fit, before the date on which under this section any such order would have ceased to be in force, place before a Judge of the High Court in Calcutta, the grounds on which the order is made, the representation, the order, the order [No. 43, dated the 5th June, 1949.] After section 18, insert the following section 18A. Whoever knowingly or having reason to believe that an order directing that any person be detained has been made under section 16, harbours or conceals or aids in the evasion of such person or sub-section (5) or section 16, harbours or conceals or aids in the evasion of such person. Shall be punishable with imprisonment for a term which may extend to two years and shall also be liable to a fine which may extend to one thousand rupees. Day 1949.—In this section, the word 'harbour' includes the supplying a person with shelter, food, drink, money, clothes, arms, ammunition or means of conveyance, or the assisting a person by any means, whether of the same kind as in before mentioned or not, to evade the provisions of this Act. (Inserted by West Bengal Act XIX of 1948, 9.) [No. 43, dated the 5th June, 1949.] —Sections 18, 19.) For section 17 of the said Act, substitute the following section, namely: — "17. Save as hereinafter in this section otherwise provided, an order made under section 16 or sub-section (1) of section 16 shall be in force for such period not exceeding nine months, as may be specified in the order or for the period subsequent to the date of issue of such order during which this Act continues in operation, whichever is less, unless earlier cancelled by the authority making the order: Provided that— (a) the Provincial Government may, if and so often as it thinks fit,— (i) in the case of an order under clause (a) of the said sub-section, place before a Judge of the Court in Calcutta the grounds on which the

order is made, the representations, if any, made under section 18 by the person affected thereby, and such further materials as the Provincial Government may think fit, subject to the following condition, that if by order, the person affected by the order shall not be entitled to be defended or represented by any lawyer or other person before the and, in accordance with the decision of the Judge thereon, the Provincial Government shall issue an order for the release of person or for an extension of the period of his detention by such period or periods as may be determined by the Judge, and (E) in any other case, issue, after considering all the circumstances of the case, a fresh order to the same effect and subject to the same limitations as to duration as in the first instance; (b) notwithstanding anything hereinbefore contained, it shall be lawful for the Provincial Government to release at any time, if it so thinks fit, any person in respect of an order under sub-clause (i) of clause (a) has been (Substituted by West Bengal Act XIX of 1948, section 7.) [No. 43, dated the 5th June, 1949.] V.L. ...L V.I. Q V b.LU.LD U.L b.LI.e VI ILI. V.L vehicle or apparatus seized within a period which is in the opinion of the Magistrate reasonable, he shall direct its return to the person from whom it was seized. The West Bengal Security Act, of 1948.] (Chapter' 111. Public Safety and Order Pages 8, 9— 1948. 9 01 brsp. 62 (3) in sub-section (6), omit the words, figure, -letter and brackets fit. Other than an order of the nature referred to in clause (b) of sub-section X (Omitted and substituted by West Bengal Act XIX of 1948, section 6.) [No. 43, dated the 5th June, 1949.] The West Bengal Security Act, 1948. of 1948.] 9 (Chapter' 111. Public Safety and Order.—Sections 18, 19.) if any, made under section 18 by the person affected thereby and such further materials as the Provincial Government may think fit and the Provincial Government shall, in accordance with the decision of the Judge thereon, issue an order of release or a fresh order of detention for such period not exceeding nine months as may be determined by the Judge: Provided also that the person affected by the order shall not be entitled to be defended or represented by any lawyer or other person before the Judge: Provided further that the Provincial Government shall be at liberty to release any person at any time notwithstanding any provision hereinbefore contained. 18E Where an order is made in respect of any person under clause (a) of sub-section (1) of section 16, the authority making the order shall, within fifteen days after the order is made, communicate to the person affected thereby the grounds on which the order has been made against him except in so far as the said authority considers that disclosure of any fact would be against the public interest. and such other particulars as are in the opinion of such authority sufficient to enable him to make, if he wishes, a representation against the order and such person may at any time thereafter make a representation in writing to such authority against the order and it shall be the duty of such authority to inform such person of his right of making such representation and to afford him the earliest practical opportunity of doing so. 19n (1) The Provincial Government for the purpose of preventing or suppressing subversive acts, by general or special order, regulate or impose or special order, prohibit, conditions on— (i) the use or operation in any street, square, public place or other open space of any apparatus for amplifying the human voice, or any reproduction of the human voice, such as a megaphone or an electrically operated loudspeaker; and (ii) the use, operation or driving in any street, square, public place or other open space of any vehicle which carries or has attached to it any apparatus referred to in clause (i). (2) Any police-officer may take such steps and use such force as may be reasonably necessary for securing compliance with any order made under this section and may seize any apparatus or vehicle in respect of which any contravention of any such order has in the opinion of such officer occurred: Provided that any vehicle or apparatus seized by a police-officer under this sub-section shall be conveyed without delay before a Magistrate who may give such directions as to its temporary custody as he thinks fit, but if no prosecution is instituted for a contravention of the order in respect of the vehicle or apparatus seized within a period which is in the opinion of the Magistrate reasonable, he shall direct its return to the person from whom it was seized. Grounds of order of detention to be disclosed to person affected by the order. Control of use of loudspeakers, megaphones; etc. 10 in the West Bengal, Security Act, 1948. West Ben. Act 2-1 un Bec 16. Unlawful drilling, Unofficial uniforms, etc. Powers to require the attendance of certain persons. (Chapter III.—Public Safety and Order.—Sections 20—22) (3) If any person contravenes any order made under this section, he shall be punishable with imprisonment for term which may extend to three years, or with fine, or with both, and any court trying such offence may direct that any apparatus or vehicle in respect of which the order has been contravened be forfeited. His Majesty. 201 (1) The Provincial Government may, by general or special order, prohibit or restrict in any area any assembly, procession, movement, evolution or drill of a military as may be

specified in the order. The Provincial Government may, by general or special order, with a view to securing that no unauthorised exercise, movement, evolution or drill of a military nature is performed at any place, prohibit, restrict or impose conditions on the holding of, or taking part in, any such Vamp, parade, meeting or assembly, or such class thereof, as may be specified in the order. (3) If any person contravenes any order made under this section, he shall be punishable with imprisonment for a term which may extend to five years or with fine or with both. (1) If the Provincial Government is satisfied that the wearing in public of any dress or article of apparel resembling any uniform or part of a uniform required to be worn by a member of His Majesty's Forces or of the Forces of the Dominion of India or by a member of any official Police Force or of any force constituted under any law for the time being in force would be likely to prejudice the public safety, or the maintenance of public order, the Provincial Government may, by general or special order, prohibit or restrict the wearing or display in public of any such dress or article of apparel. (2) For the purposes of this section, a dress or an article of apparel shall be deemed to be worn or displayed in public if it is worn or displayed so as to be visible to a person in any place to which the public have access. (3) If any person contravenes any order made under this section, he shall be punishable with imprisonment for a term which may extend to three years or with fine or with both. 22. (1) Any officer of Government authorised in this behalf by general or special order of the Provincial Government may, within such area as may be specified in the order, require any male person in that area to assist in the maintenance or restoration of law and order or in the protection of property for such period and in such manner as the officer may direct. (2) If any person fails to comply with any lawful direction to him under sub-section (1), he shall be punishable with imprisonment for a term which may extend six months or with fine or with both. The West Bengal Security Act, 1948. of 1948.] 11 (Chapter IV.—Miscellaneous Provisions.—Sections 23—25.) CHAPTER IV. Miscellaneous Provisions. 23. (1) Without prejudice to any special provisions contained in this Act, the Provincial Government may by order obtain and require any person to furnish or produce to any specified information authority any such information or article in his possession or being information, article or document which the Provincial Government considers it necessary or expedient in the interests of the prevention or suppression of subversive acts to obtain or examine : Provided that— (i) no editor, printer or publisher of a newspaper shall be required to furnish or produce any such information or article in respect of any matter published in such newspaper, and (i.i) no person shall be required to furnish or produce any information or article which, under the provisions of the Indian Evidence Act, 1872, he cannot be compelled to furnish or produce. (2) If any person fails to furnish or produce any information or article in compliance with an order made under sub-section (1), he shall be punishable with imprisonment for a term which may extend to three years or with fine or with both. If any person when required by or under any of the provisions of this Act to make any statement or furnish any information, makes any statement or furnishes any information which he knows or has reasonable cause to believe to be false, or not true in any material particular, he shall be punishable with imprisonment for a term which may extend to three years or with fine or with both. 25. (1) If in the opinion of the Provincial Government it is necessary or expedient so to do for preventing or suppressing subversive acts or for maintaining supplies, and services essential to the life of the community or for rehabilitating persons displaced from their residences or shops due to communal strife, it may by order in writing requisition any property, moveable or immoveable, and may make such further orders as appear to it to be necessary or expedient in connection with the requisitioning : Provided that no place or premises used for the purpose of religious worship shall be requisitioned under this section. (2) Where the Provincial Government has requisitioned any property under sub-section (1), it may use or deal with the property in such manner as may appear to it to be expedient. (3) Whenever in pursuance of sub-section (1), the Provincial Government requisitions any moveable property, the owner thereof shall be paid such compensation as the Provincial Government may determine : Requisitioning of property. 12 The West Bengal Security Act, 1948. West Ben. Act (Chapter IV.—Miscellaneous Provisions.—Section 25.) Provided that where the owner of such property, being aggrieved by the amount of compensation so determined, makes an application for referring the matter to an arbitrator, the amount of compensation to be paid shall be as an arbitrator appointed in this behalf by the Provincial Government may determine : Provided further that, where immediately before the requisition the property was by virtue of a hire purchase agreement in the possession of a person other than the owner, the amount determined by the Provincial

Government as the total compensation payable in respect of the requisition shall be apportioned between that person and the owner in such manner as they may agree upon, and in default of agreement, in such manner as an arbitrator appointed by the Provincial Government in this behalf may decide to be just. (4) Where in pursuance of sub-section (1) the Provincial Government requisitions any immovable property, there shall be paid compensation, the amount of which shall be determined in the manner, and in accordance with the principles, hereinafter set out, that is to say,— (a) where the amount of compensation can be fixed by agreement, it shall be paid within three months in accordance with such agreement; (b) where no such agreement can be reached; the Provincial Government shall appoint as arbitrator a District Judge or an Additional District Judge; (c) the Provincial Government may, in any particular case, nominate a person having expert knowledge as to the nature of the property requisitioned, to assist the arbitrator, and where such nomination is made, the person to be compensated may also nominate an assessor for the said purpose; (d) at the commencement of the Proceedings before the Provincial Government and the arbitrator, the person to be compensated shall state what in their respective opinions is a fair amount of compensation; (e) an appeal shall lie to the High Court against an award of an arbitrator except in cases where the amount of compensation awarded does not exceed five thousand rupees in lump sum or, in the case of an amount payable periodically, two hundred and fifty rupees per mensem; (f) save as provided, in this section and in any rules made thereunder, nothing in any law for time being in force shall apply to arbitrations under this sub-section. (5) Where any immovable property requisitioned under sub-section (1) is to be released from requisition, the Provincial Government may, after making such enquiry, if any, as it considers necessary, specify by order in writing the person who appears to the Provincial Government to be entitled to the possession of such property. The West Bengal Security Act, 1948. of 1948.] 13 (Chapter IV.—Miscellaneous Provisions.—Section 25.) (6) The delivery of possession of the immovable property requisitioned under sub-section (1) to the person specified in an order made under sub-section (5) shall be a full discharge of the Provincial Government from all liability in respect of such delivery, but shall not prejudice any rights in respect of such property which any other person may be entitled by due process of law to enforce against the person to whom possession of such property is so delivered. (7) Where the person to whom possession of any immovable property requisitioned under sub-section (1) is to be given cannot be found or is not readily ascertainable or has no agent or other person empowered to accept delivery on his behalf, the Provincial Government shall cause a notice declaring that such property is released from requisition to be affixed on some conspicuous part of such property and publish the notice in the Official Gazette. (8) When a notice referred to in sub-section (7) is published in the Official Gazette, the immovable property specified in such notice shall cease to be subject to requisition on and from the date of such publication and be deemed to have been delivered to the person entitled to possession thereof; and the Provincial Government shall not be liable for any compensation or other claim in respect of such property for any period after the said date. (9) Where any immovable property requisitioned under sub-section (1) is released from requisition, compensation shall also be paid in respect of any damage done during the period of requisition to such property other than what may have been sustained by normal wear and tear or by natural causes. When the amount of such compensation can be fixed by agreement, it shall be paid in accordance with such agreement; where no such agreement can be reached, the matter shall be referred to an arbitrator and thereupon the provisions of sub-section (4) shall, as far as may be, apply. (10) The Provincial Government may, with a view to requisitioning any property under sub-section (1) or determining the compensation payable under sub-section (3), by order— (a) require any person to furnish to such authority as may be specified in the order such information in his possession relating to the property as may be specified; (b) direct that the owner, occupier or person in possession of the property shall not without the permission of the Provincial Government dispose of it or where the property is a building, structurally alter it or where the property is moveable, remove it from the premises in which it is kept till the expiry of such reasonable period as may be specified in the Order. (11) Without prejudice to any powers otherwise conferred by this Act, any person authorised in this behalf by the Provincial Government may enter any premises sunrise and sunset and inspect; such premises and any property therein or thereon for the purpose of determining 14 The West Bengal Security Act, 1948. [West Ben. Act Publication (Chapter IV.—Miscellaneous Provisions.—Chapter 7.—Supplementary and Procedural sections. 26, +27.) whether, and, if so, in what manner, an order under this section should be made in relation to such premises or property, Or

with a view to securing compliance with any order made under this section. (12) If any person contravenes any order made under this section he shall be punishable with imprisonment for a term which may extend to three years, with fine or with both. 26. (1) Save as otherwise expressly provided in this Act, every authority, officer or person who issues any order in pursuance of any provision thereof shall publish or cause to be published notices, attempts, etc., to contravene the provisions of the Act or serve or cause to be served notice of such order in such manner as may be rules made by the Provincial Government. (2) Where this Act empowers an authority, officer or person to take action by notified order, the provisions of sub-section (1) shall not apply in relation to such order. (3) If in the course of any judicial proceedings, a question arises whether a person was duly informed of an order made in pursuance of any provision of this Act, compliance with sub-section (1), or in a case, to which sub-section (2) applies, the notification of the order, shall be conclusive proof that he was so informed, but a failure to comply with sub-section (1) shall not preclude proof by other means that he had information of the order; and (it) shall not affect the validity of the order. (4) Any police-officer, and any other person authorised by the Provincial Government in this behalf may, for any purpose connected with the prevention or suppression of subversive acts or with maintaining supplies and services essential to the life of the community or for carrying out the provisions of this Act affix any notice to, cause any notice to be displayed on, any premises, vehicle or vessel, and may for the purpose of exercising the power conferred by this section enter any premises, vehicle or vessel at any time. (5) Any person authorised by the Provincial Government in this behalf may, for any purpose mentioned in sub-section (4), by order direct the owner or other person in possession or control of any premises, vehicle or vessel to display any notice on, or in, the premises, vehicle or vessel in such manner as may be specified in the order.

CHAPTER V. Supplementary and Procedural. 27K Any person who attempts to contravene, or abets, or attempts to abet, or does any act preparatory to, a contravention of, any of the provisions of this Act or of any order made thereunder, shall be deemed to have contravened that provision or, as the case may be, that order. Page 15— In section 30,— (1) in the proviso to sub-section (2), for the words "fifteen days" substitute the words "thirty days"; and (2) in sub-section (3), after the words "in addition to making such order as may appear" insert the words "to the Provincial Government (Substituted and inserted by West Bengal Act XIX of 1948, section 12.) [No. 43, dated the 5th June, 1949.] Page 15— In section 28,— (1) after sub-section (1), insert the following sub-section, namely : — (4A) Any police officer, authorised in this behalf by general or special order of a Deputy Commissioner, Magistrate or Superintendent of Police in Calcutta and the Superintendent of Police elsewhere, may enter and search any place, vessel, vehicle, aircraft or animal and, for that purpose, stop any vessel, vehicle, aircraft or animal and may seize any commodity, article or thing (including any vessel, vehicle, aircraft or animal) which, he has reason to believe, has been, is being or is about to be, used in contravening any order made under sub-section (1) of section 15A or for doing any other subversive act. 30. 64 Deprivation.—(1) this sub-section 'Calcutta' has the same meaning as in section 13 ; and (2) for sub-section (2); substitute the following sub-section, namely : — "(2) Anything seized under sub-section (1) shall be conveyed, and any commodity, article or thing (including any vessel, vehicle, aircraft or animal) seized under sub-section (1A) shall be reported, without delay before a Magistrate who may give such directions as to the temporary custody thereof as he may think fit, so, however, that where no prosecution in respect thereof is instituted within a period in his opinion reasonable, the Magistrate may, subject to the provisions of any other law for the time being in force, give such orders as to the final disposal thereof as he deems expedient. (Inserted and substituted by West Bengal Act XIX of 1948, section 11.) [No. 43, dated the 5th June, 1949.] 4 Page 44— In section 26, for the words "by" substitute the words "provided" (Substituted by West Bengal Act XIX of 1948, section 10.) [No. 43, dated the 5th June, 1949:] The West Bengal Security Act, 1948. 111 of 1948.] (Chapter 117.—Supplementary and Procedural.— Sections 28—30.) 15 28. (1) In any area in which the Provincial Government, as a consequence of apprehended danger to the public provision in such area, notifies in the Official Gazette in this behalf, any person may in any road, street, alley, public place, or open space, stop and search any person in such area for the purpose of ascertaining whether such person is carrying, in contravention of any law for the time being in force, any explosive or corrosive substance or liquid or any weapon of offence or any article which may be used as weapon of offence and may seize any such substance or liquid together with its container, if any, or any such weapon or article discovered during such search : Provide that every such search shall be made with due regard to decency and that no woman

an shall be searched except by a woman. (2) Anything seized under sub-section (1) shall be conveyed without delay before a Magistrate who may give such directions as to its temporary custody as he may think fit, so however that, where no prosecution in respect of the possession of such thing is instituted within a period in his opinion reasonable, the Magistrate may, subject to the provisions of any other law for the time being in force, give such orders as to the final disposal of such thing as he deems expedient.

29. Any police-officer may arrest without warrant any General person who is reasonably suspected of having committed, or power of committing a contravention of any order made under section 13. warrant, 300 (1) Any police-officer not below the rank of Sub-Inspector, or any other officer of Government empowered in arrest this- by general or special order of the Provincial Government, may arrest without warrant any person whom he reasonably suspects of having done, of doing, or of being about to do any subversive act. (2) Any officer who makes an arrest in pursuance of sub-section (1) shall forthwith report the fact of such arrest to the Provincial Government, and, pending the receipt of the orders of the Provincial Government, may, by order in writing, commit any person so arrested to such custody as the Provincial Government may, by general or special order, specify : Provided that no person shall be detained in custody under this sub-section for a period exceeding without the order of the Provincial Government. (3) On receipt of any report made under the provisions of sub-section (2), the Provincial Government may, in addition to making such order as may appear to be necessary for the temporary custody of any person arrested under this section, make, in exercise of any power conferred upon it by any law for the time being in force, such final order as to his detention, release, residence or any other matter concerning him as may appear to the Provincial Government in the circumstances of the case to be reasonable or necessary.

16 The West Bengal Security Act, 1948. L West Ben. Act V.—Supplementary and Procedural— (Chapter Sections 31—33.) Court shall take cognizance of any alleged contraventions of the provisions of the Act or orders made thereunder. Power give effect to orders, etc. Saving as to orders. contravention of the provisions of this Act or of any order made thereunder, except on a report in writing of the facts constituting such contravention, made by a public servant. (2) Proceedings in respect of a contravention of the provisions of this Act alleged to have been committed by any person may be taken before the appropriate Court having jurisdiction in the place where that person is for the time being. (3) Notwithstanding anything contained in Schedule 11 to the Code of Criminal Procedure, 1898, a contravention of the provisions of section 6, shall be triable by a Court of Session, a Presidency Magistrate or a Magistrate of the first class. (4) Any magistrate or bench of magistrates empowered for the time being to try in a summary way the offences specified in sub-section (1) of section 260 of the Code of Criminal Procedure, 1898, may if such magistrate or bench of magistrates thinks fit, on application in this behalf being made by the prosecution, try a contravention of any such provisions of this Act or orders made thereunder as the Provincial Government may by notified order, specify in this behalf, in accordance with the provisions contained in sections 262 to 265 of the said Code. 32n (1) Any authority, officer, or person who is empowered by or in pursuance of the provisions of this Act to make any order, or to exercise any other power may, in addition to any other action prescribed by or under this Act, take, or cause to be taken, such steps as may, in the opinion of such authority, officer or person, be reasonably necessary for securing compliance with, or for preventing or rectifying any contravention of, such order, or for the effective exercise of such power. (2) Where in respect of any of the provisions of this Act there is no authority, officer or person empowered to take action under sub-section (1), the Provincial Government may take, or cause to be taken, such steps as may in the opinion of the Provincial Government be reasonably necessary for securing compliance with, or preventing or rectifying any breach of, such provision. (3) For the avoidance of doubt it is hereby declared that the power to take steps under sub-section (1) or under sub-section (2) includes the power to enter upon any land or other property whatsoever. 33, (1) Subject to the provisions of section of the Code of Criminal Procedure, 1898, no order made in exercise of any power conferred by or under this Act, shall be called in question in any Court. (2) Where an order purports to have been made and signed by any authority in exercise of any power conferred by or under this Act, a Court shall, within the meaning of Act 1898. the Indian Evidence Act, 1872, presume that such order was so made by that authority. The West Bengal Security Act, 1948. 17 Ben. Ord

**1946. Ben. Act** (Chapter V.—Supplementary and Procedural.— 34—37. ) (1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or any order made thereunder. (2) No suit or other legal proceeding shall lie against the Crown for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of this Act or any order made thereunder. 35a The Provincial Government may, by notified order, direct that any power or duty which is conferred or imposed and duties by any provision of this Act upon the Provincial Government shall; in such circumstances and under such conditions, if any, as may be specified in the direction, be exercised or discharged also by any officer subordinate to the Provincial Government. 36 (1) The Provincial Government may make rules for carrying out the purposes of this Act. (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely (a) the principles and the procedure to be followed in assessing, and in making the payment of, allowances and expenses referred to in sub-section (2) section 16 ; (b) the procedure to be followed in arbitrations and the principles to be followed in apportioning the costs of proceedings before the arbitrator and appeal referred to in section 25 ; (c) the manner of publication and service of notices referred to in sub-section (1) of section 26. 37 (1) Any order made or deemed to have been made, any notification issued or deemed to have been issued or any direction given or deemed to have been given under any provision of the Bengal Special Powers Ordinance, 1946, and in force immediately before the commencement of this Act; shall continue in force and be deemed to be an order made, notification issued or direction given under the corresponding provision of this Act and any penalty incurred, action taken or proceedings commenced under any provision of the said Ordinance shall be deemed to have been incurred, taken or commenced under this Act as if this Act were already in force when such penalty was incurred, or such action was taken or such proceedings were commenced. (2) The Bengal Ordinances Temporary Enactment Act, I Of 1947, in so far as it enacts and continues in operation, the provisions of the Bengal Special Powers Ordinance, 1946, is hereby repealed. DGP-4819-1161A-3,500