

CALCUTTA POLICE ACT, 1866

4 of 1866

[28th March, 1866]

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SCHEDULE 1 :- SCHEDULE OF FORMS

CALCUTTA POLICE ACT, 1866

4 of 1866

[28th March, 1866]

An Act to amend and consolidate the provisions of Act 13 of 1856 (for regulating the Police of the towns of Calcutta, Madras and Bombay) and of Act 48 of 1860 (to amend Act 13 of 1856). Preamble. WHEREAS it is expedient to amend and consolidate the provisions of Act 13 of 1856 and of Act 48 of 1860, so far as the said Acts are applicable to the town of Calcutta; It is enacted as follows

1. Short title :-

This Act may be cited as the Calcutta Police Act, 1866.

2. Repeal of Acts 13 of 1856 and 48 of 1860 in Calcutta :-

Rep. by Act 12 of 1873.

3. Interpretation :-

The following words and expressions in this Act shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction (that is to say): the words "town of Calcutta" shall include all places within the local limits of the jurisdiction of ¹[the High Court at Calcutta]; the word "Magistrate" shall mean any Magistrate of Police acting for the said town; the word "property" shall include any chattel, money or valuable security; the word "month" shall mean calender month; the word "oath" shall include any affirmation or declaration lawfully substituted for an oath; ²* * * * the word "cattle" shall, besides horned cattle, include horses, asses, mules, sheep, goats and swine; ³* * * * ⁴the phrases "investigation," "offence," "cognizable offence" and "non-cognizable offence" shall respectively have the meanings assigned thereto by the Code of Criminal Procedure, 1898; ⁴"officer in charge of a police-station" shall include, when the officer in charge of the police-station is absent from the station-house or unable from illness or other cause to perform his duties, the Police-officer present at the station-house who is next in rank to such officer and is above the rank of constable; ⁴"explosive substance" shall be deemed to include any materials for making any explosive substance; also any apparatus,

machine, implement or material used or intended to be used, or adapted for causing or aiding in causing, any explosion in or with any explosive substance; also any part of any such apparatus, machine or implement; ⁷"place of public amusement" shall mean any place, enclosure, building, tent, booth or other erection, whether permanent or temporary, where music, singing, dancing or any diversion or game, or the means of carrying on the same, is provided, and to which the public are admitted, either on payment of money or with the intention that money may be collected from those admitted, otherwise than for a bona fide charitable purpose; and shall include a race-course, circus, theatre, music-hall, billiard-room, bagetelle-room, gymnasium and fencing-school; ⁸"place of public entertainment" shall mean any place, whether enclosed or open, to which the public are admitted, and where any kind of food, drink, drug, betel or tobacco is supplied for consumption on or off the premises for the profit or gain of any person owning or having an interest in or managing such place ; and shall include a lodging-house where any kind of food, drink, drug, betel or tobacco is supplied of consumption therein or not and a refreshment room, eating-house, coffee-house, tea shop, snack shop, snack bar, sweetmeat-shop, liquor-house, boarding-house, hotel, restaurant, tavern, wine-shop, beer-shop, spirit-shop, arrack-shop, toddy-shop, ganja-shop, bhang-shop, opium-shop, tobacco-shop, bidi-shop, cigarette-shop, zarda-shop, betel-shop and betel leaf massalla shop ; ⁹"Police-officer" shall mean any member of the Calcutta Police-force, ¹⁰[and shall include the Commissioner of Police, an Additional Commissioner of Police, a Joint Commissioner of Police, a Deputy Commissioner of Police, an Additional Deputy Commissioner of Police and an Assistant Commissioner of Police]; ¹¹"police-station" shall mean any post or place declared, generally or specially, by the ¹²[State] Government to be a police-station, and shall include any local area specified by the ¹⁰[State] Government in this behalf; ⁹"public place" shall include the banks of the river, the docks, the jetties, warehouses to which the public have access, every public building and monument and the precincts thereof, and all places accessible to the public for drawing water, washing or bathing or for purposes or recreation; ⁹"street" shall mean any road, lane, footway, square, court, alley or passage, whether a thoroughfare or not, to which the public have, permanently or temporarily, a right of access; ¹⁶"subordinate ranks" means the ranks below that of Assistant Commissioner; ¹⁷ "vehicle" shall

include any locomotive, automobile, tram-car, carriage, cart, van, dray, truck, handcart, bicycle, tricycle, motor-cycle or other wheeled conveyance of any description capable of being used on the streets.

1. Subs. by the Adaptation of Laws Order, 1950.
2. Definitions repealed by W.B. Act 32 of 1957.
3. Clauses repealed by Act 1 of 1903.
4. These definitions ins. by Ben. Act 3 of 1910.
7. This definition ins. by Ben. Act 3 of 1910.
8. This definition was first added by Ben. Act 3 of 1910. Then it was subs. by W.B. Act 48 of 1978.
9. This definition ins. by Ben. Act 3 of 1910.
10. Words subs. by W.B. Act 27 of 1969.
11. These definitions ins. by Ben. Act 3 of 1910.
12. Word subs. by the Adaptation of Laws Order, 1950.
16. This definition ins. by the Government of India (Adaptation of Indian Laws) Order, 1937.
17. This definition ins. by Ben. Act 3 of 1910.

4. Commissioner of Police :-

The administration of the police in the town of Calcutta shall be vested in an officer to be styled as the Commissioner of Police for such town¹ * * * * *

1. Words omitted by the Government of India (Adaptation of Indian Laws) Order, 1937.

5. Appointment of Additional, Joint, Deputy, Additional Deputy and Assistant Commissioners of Police :-

1

(1) The State Government may, from time to time, appoint one or more Additional, Joint, Deputy, Additional Deputy or Assistant Commissioners of Police, who shall be competent to perform, exercise and discharge such of the duties, powers and functions of the Commissioner of Police as are assigned under his orders to any such Additional, Joint, Deputy, Additional Deputy or Assistant Commissioner of Police.

(2) An Additional Commissioner of Police shall be subordinate to the Commissioner of Police, a Joint Commissioner of Police shall be subordinate to the Additional Commissioner of Police, a Deputy Commissioner of Police shall be subordinate to the Joint Commissioner of Police, an Additional Deputy Commissioner of Police shall be subordinate to the Deputy Commissioner of Police and an Assistant Commissioner of Police shall be subordinate to the

Deputy Commissioner of Police and where there is an Additional Deputy Commissioner of Police, also to the Additional Deputy Commissioner of Police.

1. Sec. 5 subs. by W.B. Act 27 of 1969.

6. Commissioner shall not ordinarily be a Magistrate :-

The Commissioner of Police shall not ordinarily be a Magistrate of Police under this Act, but ¹* * * * may be appointed to that office when the said ² [State] Government for special reasons may deem it expedient.

1. Words repealed by Ben. Act 5 of 1915.

2. Word subs. by the Adaptation of Laws Order, 1950.

7. Commissioners to be Justice of the Peace, but to act only in certain cases :-

The Commissioner of Police shall be appointed a Justice of the Peace but unless he is vested with the jurisdiction of a Magistrate of Police, he shall act as a Justice only so far as may be necessary for the preservation of the peace, the prevention of crimes, and the detection, apprehension and detention of offenders in order to their being brought before a Magistrate of Police, and so far as may be necessary for the performance of the duties assigned to the Commissioner by this Act. ¹ [Any Additional, Joint, Deputy or Additional Deputy Commissioner of Police may be appointed as a Justice of the Peace], and, if so appointed, shall act in that capacity subject to the above restriction.

1. Words subs. by W.B. Act 27 of 1969.

8. Constitution of Police-force :-

For the said town of Calcutta there shall be a Police-force, which shall consist of such number of officers ¹* * * and shall be otherwise constituted in such manner as shall be from time to time ordered by the said ² [State] Government.

1. Words repealed by Ben. Act 3 of 1910.

2. Word subs. by the Adaptation of Laws Order, 1950.

9. Police to be under control of Commissioner. Rules for government of police to be made by Commissioner and approved by the State Government :-

The Police-force shall be under the exclusive direction and control of the Commissioner of Police, who may from time to time, subject to the ¹[control] of the said ² [State] Government frame such

orders and regulations as he shall deem expedient relative to the general government of the force, the places of residence, the classification, rank, distribution and particular service of the several members thereof, their inspection, the description of arms, accoutrements and other necessities to be furnished to them, and all such other orders and regulations relative to the said Police-force as the said Commissioner shall from time to time deem expedient for preventing neglect or abuse, and for rendering such force efficient in the discharge of all its duties.

1. Word subs. by Ben. Act 7 of 1919.

2. Word subs. by the Adaptation of Laws Order, 1950.

9A. Power of State Government to frame rules :-

1

(1) Subject to the provisions of this Act, the State Government may make rules relating to recruitment, conditions of service, disciplinary proceedings and punishments, in respect of members of the subordinate ranks of the Police-force.

(2) Any rules, orders or regulations made before the commencement of the Calcutta and Suburban Police (Amendment) Act, 1962 by any authority in respect of the aforesaid matters shall, in so far as they are not inconsistent with the provisions of this Act, be deemed to have been validly made and shall continue in force until other provisions are made in this behalf

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1. Secs. 9A, 9B and 9C ins. by W.B. Act 15 of 1962.

9B. Appointment, dismissal and punishment of subordinate ranks of the Police-force :-

1

(1) Subject to such rules as the State Government may make in this behalf, the Commissioner of Police shall have the power to appoint all members of the subordinate ranks of the Police-force :

Provided that the Commissioner of Police may, with the approval of the State Government, delegate such power of appointment in respect of all subordinate ranks of the Police-force except Inspectors, 191)[to any Additional, Joint, Deputy, Additional Deputy or Assistant Commissioner of Police] appointed under section 5.

(2) Subject to the provisions of sections 10 and 11, the appointing

authority or an officer not lower in rank than the appointing authority, shall be competent to inflict all punishments on the members of the subordinate ranks of the Police-force in disciplinary cases.

1. Secs. 9A, 9B and 9C ins. by W.B. Act 15 of 1962.

9C. Validity of appointment, dismissal and punishment of subordinate ranks in certain cases :-

¹ Notwithstanding anything contained elsewhere in this Act or any decision of any court to the contrary, all appointments made by the Commissioner of Police or any other authority subordinate to him, all orders of dismissal or removal from office passed by any such appointing authority or other authority not subordinate to such appointing authority and all orders inflicting any other punishment passed by any authority, before the commencement of the Calcutta and Suburban Police (Amendment) Act, 1962, in respect of members of the subordinate ranks of the Police-force shall be deemed to be and to have always been validly passed as if the said Act were in force when such appointments were made or such orders were passed.

1. Secs. 9A, 9B and 9C ins. by W.B. Act 15 of 1962.

10. Power of Commissioner to suspend or dismiss or inflict any other punishment on any member of the subordinate ranks of the Police-force :-

¹

²(1) The Commissioner of Police may at any time suspend or dismiss ³ [or inflict any other punishment on] any member of the subordinate ranks of the Police-force whom he shall think remiss or negligent in the discharge of his duty or otherwise unfit for the same.

(2) 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, privileges and duties conferred or imposed upon 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.

1. Sec. 10 renumbered as sub-sec. (1) and sub-sec. (2) ins. by Ben. Act 7 of 1919.

2. Sub-sec. (1) subs. by the Government of India (Adaptation of

Indian Laws) Order, 1937.

3. Words inst. by W.B. Act 15 of 1962.

10A. Duties of Police-officers :-

1

(1) It shall be the duty of every Police-officer

(a) promptly to serve every summons and obey and execute every warrant or other order lawfully issued to him by competent authority, and to endeavour by all lawful means to give effect to the lawful commands of his superiors;

(b) to the best of his ability, to obtain intelligence concerning the commission of cognizable offences or designs to commit such offences, and to lay such information and to take such other steps, consistent with law and with the orders of his superiors as are best calculated to bring offenders to justice or to prevent the commission of cognizable offences, or the commission of non-cognizable offences within his view;

(c) to the best of his ability to prevent the commission of public nuisances;

(d) to apprehend all persons whom he is legally authorized to apprehend, and for whose apprehension there is sufficient reason;

(e) to aid any other Police-officer, when called on by him or in case of need in the discharge of his duty, in such ways as would be lawful and reasonable on the part of the officer aided;

(f) to discharge such duties as are imposed upon him by any law for the time being in force;

(g) to afford every assistance within his power to disabled or helpless persons in the streets, and to take charge of intoxicated persons and of lunatics at large who appear to be dangerous or to be incapable of taking care of themselves;

(h) to take prompt measures to procure necessary help for any person under arrest or in custody who is wounded or sick, and, while guarding or conducting any such person, to have due regard to his condition;

(i) to arrange for the proper sustenance and shelter of every person who is under arrest or in custody;

(j) in conducting searches, to refrain from needless rudeness and

the causing of unnecessary annoyance;

(k) in dealing with women and children, to act with strict regard to decency and with reasonable gentleness;

(l) to use his best endeavours

(i) to prevent any loss or damage by fire, and

(ii) to avert any accident or danger to the public;

(m) to regulate and control the traffic in the streets, to prevent obstruction therein and to the best of his ability to prevent the infraction of any rule or order made under this Act or under any other law for the time being in force for observance by the public in or near the streets;

(n) to keep order in the streets, and at and within public bathing, washing and landing places, fairs and all other places of public resort, and in the neighbourhood of places of public worship during the time of public worship;

(o) to regulate resort to public bathing, washing and landing places, to prevent overcrowding thereat and in public ferry-boats, and, to the best of his ability, to prevent the infraction of any rule or order lawfully made for observance by the public at any such place or on any such boat; and

(p) to perform all duties imposed on him by rules for the time being in force under this Act, in the manner and subject to the conditions therein prescribed.

(2) All persons shall be bound to conform to the reasonable directions of a Police-officer given in fulfilment of any of the said duties.

(3) A Police-officer may restrain or remove any person resisting or refusing or omitting to conform to, any such direction as aforesaid.

1. Sec. 10A ins. by Ben. Act 3 of 1910.

11. Power to fine members of subordinate ranks of the Police force :-

For any lesser breach of discipline, or other misconduct not requiring the suspension or dismissal of the offender, a member of ¹ [subordinate ranks of the Police-force] may be fined by the Commissioner in any sum not exceeding one-half of his monthly

pay.

1. Words subs. by the Government of India (Adaptation of Indian Laws) Order, 1937.

12. Additional penalties for neglect of duty, etc :-

Rep. by Ben. Act 3 of 1910.

13. Members of the Police-force to receive certificates vesting them with powers of Police-officer :-

Every member of the Police force shall receive on his enrolment a certificate (A), under the signature of the Commissioner of Police, by virtue of which he shall be vested with the powers, functions and privileges of a ¹ [Police-officer.] Such certificate shall cease to have effect whenever the person named in it is suspended or dismissed, or otherwise removed from employment in the force.

1. Word subs. by Ben. Act 3 of 1910.

13A. Members of subordinate ranks of the Police-force prohibited from other employment :-

¹

² [A member of the subordinate ranks of the Police-force] shall not, without the permission of the Commissioner of Police, either as principal or agent,

(a) engage in any trade, or

(b) be in any way concerned in the purchase or sale of any immoveable property within the town or suburbs of Calcutta or of any interest therein, or

(c) hold any office or practise any profession or engage in any employment whatever other than his office or duties as such Police officer.

1. Secs. 13A, 13B and 13C ins. by Ben. Act 3 of 1910.

2. Words subs. by the Government of India (Adaptation of Indian Laws) Order, 1937.

13B. Offences by Police-officers :-

¹ Any Police-officer who

(a) contravenes any provision of the last foregoing section, or

(b) is guilty of cowardice, or

(c) is guilty of any wilful breach or neglect of any provision of law

or of any rule or order which it is his duty as such Police-officer to observe or obey, or

(d) is guilty of any violation of duty for which no punishment is expressly provided by any other law for the time being in force, shall be liable to imprisonment, with or without hard labour, for a term which may extend to three months, or to fine which may extend to one hundred rupees and which may be deducted from any salary due to him, or to both.

1. Secs. 13A, 13B and 13C ins. by Ben. Act 3 of 1910.

13C. Vexatious entry, search, seizure, arrest, detention, etc., by Police-officers :-

¹ Any Police-officer who

(a) without lawful authority or reasonable cause, enters or searches or causes to be entered or searched, any building, vessel, tent or place, or

(b) vexatiously and unnecessarily seizes the property of any person, or

(c) vexatiously and unnecessarily detains, searches, or arrests any person, or

(d) vexatiously and unnecessarily delays forwarding any person arrested to a Magistrate or to any other authority to whom he is legally bound to forward such person, or

(e) offers any unnecessary personal violence to any person in his custody, or

(f) holds out to an accused person any threat or promise not warranted by law, shall be liable to imprisonment, with or without hard labour, for a term which may extend to six months, or to fine which may extend to five hundred rupees, or to both.

1. Secs. 13A, 13B and 13C ins. by Ben. Act 3 of 1910.

14. Members of subordinate ranks of the Police-force not to resign without leave or notice :-

No member ¹[of the subordinate ranks] of the Police-force, to be enrolled under this Act, shall be at liberty to resign his office, or to withdraw himself from the duties thereof, unless expressly allowed so to do in writing by the Commissioner, or unless he shall have given to the Commissioner six months' notice of his intention, if a

member of the mounted branch of the said force, and two months' notice if a member of any other branch; and every member ¹ [of the subordinate ranks] of the said force who shall so resign or withdraw himself without such leave or notice shall be liable, on the order of the Commissioner, to forfeit all arrears of pay then due to him, and on the sentence of a Magistrate, if such Magistrate shall think fit, to pay a fine not exceeding fifty rupees, or to be imprisoned, with or without hard labour, for any term not exceeding two months.

1. Words ins. by the Government of India (Adaptation of Indian Laws) Order, 1937.

14A. False statement to obtain employment or release :-

¹ Any person who knowingly makes a false statement or uses a false document, for the purpose of obtaining for himself or any other person employment or release from employment as a Police-officer, shall be liable to imprisonment, with or without hard labour, for a term which may extend to three months, or to fine which may extend to one hundred rupees, or to both.

1. Sec. 14A ins. by Ben. Act 3 of 1910.

15. Penalty for dismissed members of the Police-force not delivering up clothing, accoutrements, etc :-

Every member of the Police force who shall be dismissed from, or shall cease to hold and exercise, his office and who shall not forthwith deliver up his certificate, and all the clothing, accoutrements and other necessities which may have been supplied to him for the execution of his duty, to the Commissioner, or to such person, and at such time and place, as shall be directed by the said Commissioner shall be liable on summary conviction before a Magistrate, to imprisonment, with or without hard labour, for any term not exceeding one month. And it shall be lawful for the Commissioner, or for any Magistrate, to issue his warrant to search for and seize all the clothing, accoutrements, appointments and other necessities which shall not be so delivered over, wherever the same may be found.

16. Police Superannuation Fund :-

Rep. by Ben. Act 6 of 1905.

17. Disposal of proceeds of certain fines, etc :-

Rep. by Ben. Act 1 of 1890.

18. Power to appoint special constables :-

The Commissioner of Police may, of his own authority, appoint special constables to assist the Police-force on any temporary emergency.

19. Powers of special constables :-

Every special constable so appointed shall have the same power, 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.

20. Penalty for special constable neglecting or refusing to serve, etc :-

If any person, being appointed a special constable 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 rupees for every such neglect, refusal or disobedience.

20A. Special Police-officers and Traffic Wardens :-

1

2 (1) Subject to the control of the State Government, the Commissioner of Police may raise a force of special police officers and a force of Traffic Wardens for the town of Calcutta and may also disband such a force without assigning any reason or serving any notice and without payment of any compensation or damages whatsoever to any member of the force.

(2) The strength of the forces of special police officers and Traffic Wardens shall be such as may be determined from time to time by the State Government.

(3) The Commissioner of Police shall be the appointing authority in respect of the special police officers and Traffic Wardens :

Provided that the Commissioner of Police may, in respect of special police officers and Traffic Wardens, belonging to such class or holding such rank as may be specified by him, delegate his power of appointment to any Additional, Joint, Deputy, Additional Deputy or Assistant Commissioner of Police authorised by him in this behalf.

(4) The Commissioner of Police may, with the previous approval of the State Government, frame separate regulations for the special police officers and the Traffic Wardens relating to the following matters, namely :

- (a) the method of recruitment and the form of certificate of appointment,
- (b) classification and rank,
- (c) uniform, equipment and badges,
- (d) training, including attendance at drills and parades,
- (e) allocation of duties and hours of duty,
- (f) promotion, discipline and punishment, and
- (g) all other terms and conditions of their service.

(5) A special police officer or a Traffic Warden appointed under this section shall, except in so far as it is not inconsistent with the other subsections of this section and any regulations framed under subsection (4), have the same powers, privileges and protection and the same duties and shall be liable to the same penalties as ordinary officers of police.

(6) A special police officer or a Traffic Warden appointed under this section shall be a part time officer who shall not be entitled to any remuneration for his services as such special police officer or Traffic Warden and whose appointment shall be liable to termination by the appointing authority any time after giving him one month's notice but without payment of any compensation or damages whatsoever.

1. Sec. 20A first ins. by W.B. Act 24 of 1955. Then it was subs. by W.B. Act 32 of 1974.

2. Sub-sec. (1) subs. by W.B. Act 43 of 1978.

21. Appointment of additional constables on application of private individuals :-

The [State Government] may also, if ¹[it] shall think fit, on the application of any person showing the necessity of it, appoint any additional number of constables to keep the peace at any place within ¹[its] jurisdiction, at the charge of the person applying, but subject to the orders of the ³[Commissioner of Police], and for such time as ¹[it] shall think fit; and every such constable shall receive a

certificate, by virtue of which he shall be vested with all the powers, privileges and duties of the constables belonging to the Police-force :

Provided that the person upon whose application such appointment shall have been made may, upon giving one month's notice in writing to the Commissioner of Police, require that the constables so appointed at his expense shall be discontinued, and thereupon the [State Government] shall discontinue such additional constables; and all moneys received [by the State Government] for the payment of any such additional constables shall be accounted for by ¹ [it].

1. Word subs. by the Government of India (Adaptation of Indian Laws) Order, 1937.

3. Words subs. by the Government of India (Adaptation of Indian Laws) Order, 1937.

21A. Constitution of divisions and sections :-

1

(1) Subject to the [State] Government the Commissioner of Police shall, by order,

(a) constitute such and so many Police divisions as he thinks fit, and

(b) sub-divide such divisions into such and so many sections as he thinks fit, and

(c) define the limits and extent of such divisions and section.

(2) Every such order shall be published in the ² [Official Gazette] and in the manner prescribed by this Act for the publication of public notices.

1. Sec. 21A ins. by Ben. Act 3 of 1910.

2. Words subs. by the Government of India (Adaptation of Indian Laws) Order, 1937,

22. Police districts; appointment of Police Magistrates; attendance of Police-officers at Police-Courts; service of criminal process by Police-officers :-

Rep. by Act 4 of 1877.

23. Police districts; appointment of Police Magistrates; attendance of Police-officers at Police-Courts; service of criminal process by Police-officers :-

Rep. by Act 4 of 1877.

24. Police districts; appointment of Police Magistrates; attendance of Police-officers at Police-Courts; service of criminal process by Police-officers :-

Rep. by Act 4 of 1877.

25. Execution of warrants :-

When any warrant shall be directed or delivered to any ¹ [officer of the Police-force], unless the authority issuing it shall order that it be executed without delay, such Police-officer shall deliver the same to the superior officer in charge of the division to which he belongs, who shall appoint, by endorsement thereon, one or more Police officers to execute the same; and every Police-officer whose name shall be so endorsed thereon shall have the same powers, privileges and protection, as if the same had been originally directed to him by name.

1. Words subs. by Act 1 of 1903.

26. Offences summarily triable by Magistrates; summary jurisdiction of two Magistrates; restitution of stolen property :-

Rep. by Act 4 of 1877.

27. Offences summarily triable by Magistrates; summary jurisdiction of two Magistrates; restitution of stolen property :-

Rep. by Act 4 of 1877.

28. Offences summarily triable by Magistrates; summary jurisdiction of two Magistrates; restitution of stolen property :-

Rep. by Act 4 of 1877.

29. Wrongfully entering or remaining in or on building, land, vehicle, etc :-

¹Whoever without satisfactory excuse, wilfully enters or remains in or upon any dwelling-house or private premises or any land or ground attached thereto, or any ground, building, monument or structure belonging to ² [Government] or appropriated to public purposes, or any vehicle, boat or vessel, shall, whether he cause, any actual damage or not, be liable to fine which may extend to twenty rupees.

1. Sec. 29 subs. for the original Sec. by Ben. Act 3 of 1910.
2. Subs. by the Government of India (Adaptation of Indian Laws) Order, 1937 and the Adaptation of Laws Order, 1950.

30. Order of maintenance for wife or child; restoration of woman or child detained for unlawful purpose :-

Rep. by Act 4 of 1877.

31. Order of maintenance for wife or child; restoration of woman or child detained for unlawful purpose :-

Rep. by Act 4 of 1877.

32. Apprehension and punishment of reputed thieves, etc :-

Any person found between sunset and sunrise armed with any dangerous or offensive instrument whatsoever, with intent to commit any criminal act; any reputed thief found between sunset and sunrise on board any vessel or boat, or lying or loitering in any bazar, street, ¹ * * * yard, thorough-36. Word subs. by the Adaptation of Laws Order, 1950. fare, or other place who shall not give a satisfactory account of himself; any person found between sunset and sunrise having his face covered or otherwise disguised, with intent to commit any offence; any person found between sunset and sunrise in any dwelling-house or other building whatsoever, without being able satisfactorily to account for his presence therein; and any person having in his possession, without lawful excuse (the proof of which excuse shall be on such person), any implement of house-breaking; may be taken into custody by any Police-officer without a warrant, and shall be liable on summary conviction before a Magistrate, to imprisonment, with or without hard labour, for any term not exceeding three months.

1. Word repealed by Ben. Act 3 of 1910.

33. Penalty for taking spirits into barracks or on board vessels of war :-

Whoever, not being amenable to ¹[the Naval Discipline Act or the Indian Navy (Discipline) Act, 1934 or] the Army Act or ²[the Indian Army Act, 1911] takes, or attempts to take, into Fort William at Calcutta, or into any military barracks, guard-rooms or encampments within the town of Calcutta, or on board or alongside of any vessel of war belonging to ³ [Government] in the port of the said town, any spirits of spirituous or fermented liquors, or intoxicating drugs or preparations, without the licence in writing of the Commanding Officer (unless such articles are intended for some

person above the rank of non-commissioned officer), shall be liable, on summary conviction before a Magistrate, to a fine not exceeding one hundred rupees, or imprisonment for any term not exceeding two months, with or without hard labour; and such liquors, drugs or preparations, and the vessels containing the same, shall be forfeited.

1. Words and figures subst. by Act 1 of 1903, Ben. Act 8 of 1939 and the Adaptation of Laws Order, 1950, respectively.
2. Words and figures subs. by Ben. Act 1 of 1939.
3. Subst. by the Government of India (Adaptation of Indian Laws) Order, 1937 and the Adaptation of Laws Order, 1950.

34. Penalty for taking spirits, etc., into jail :-

Whoever takes, or attempts to take, without due permission, or throws or attempts to throw, into any jail or house of correction, or into any public hospital, any spirits or sp'irituous or fermented liquors, or intoxicating drugs or preparations, shall be liable, on summary conviction before a Magistrate, to a fine not exceeding fifty rupees, or to imprisonment, with or without hard labour, for any term not exceeding two months.

35. Penalty for keeping hotel, etc., without licence :-

Whoever, in the town of Calcutta, has or keeps any hotel, tavern, punch-house, ale-house, arrack or toddy-shop, or place for the sale or consumption of ganja, chandu or other preparations of opium, hemp or other intoxicating drug, plant or substance, ¹[or has or keeps any lodging-house whether provisions, liquors or refreshments are sold or consumed therein, or not, or has or keeps any coffee-house, boarding-house, eating-house or other place of public resort and entertainment, wherein provisions, liquors or refreshments are sold or consumed (whether the same be kept or retained therein or procured elsewhere)], without a licence, to be obtained in the manner hereinafter mentioned, shall be liable, on summary conviction before a Magistrate, ² [to imprisonment, with or without hard labour, for a term not exceeding six months or to a fine not exceeding one thousand rupees or to both, and for a second or subsequent offence also to forfeiture of all movable properties found in or on such hotel, tavern, house, shop or place :]

Provided that nothing in this Act shall apply to the sale in reasonable quantities of any drug, plant or substance in any chemist's or druggist's shop for medical purposes only.

1. Words and brackets subs. by Ben. Act 1 of 1943.

2. Subs. by West Ben. Act 15 of 1962.

36. Excise-license not to be granted without certificate of Commissioner :-

No license shall be granted under the provisions of ¹[the Bengal Excise Act, 1909], unless the person applying for such license shall produce a certificate from the Commissioner of Police stating that a license may be granted to him for the sale of spirituous liquors or intoxicating drugs, as the case may be, without risk or detriment to the preservation of peace and good order, and containing a full statement of such conditions as may have been imposed and shall have remained in force, under the provisions hereinafter contained, at the date when such license shall be granted. No license so granted shall be renewable without a fresh certificate as aforesaid previously obtained from the Commissioner of Police. ²[The Commissioner of Police shall, in granting or refusing certificates under this section, be subject to the direction and control of the ³ (State Government)].

1. Words and figures subs. by Ben. Act 1 of 1939.

2. Words subs. by Ben. Act 3 of 1910.

3. Words subs. by the Government of India (Adaptation of Indian Laws) Order, 1937 and the Adaptation of Laws Order, 1950, respectively.

37. Duration and conditions of license :-

It shall be competent to the Commissioner of Police, subject to the direction and control of the said ¹[State Government], to limit, in such certificate as aforesaid, the period for which the license may be granted, and also to fix such conditions as he may deem necessary for securing the good behaviour of the keepers of the houses and places of entertainment as aforesaid, and for the prevention of drunkenness and disorder among the persons frequenting or using the same, and from time to time to vary such conditions, subject to such direction and control as aforesaid; and no license granted under ² [the Bengal Excise Act, 1909], shall be valid unless it shall contain such conditions as shall have been imposed and shall remain in force for the time being under this section.

1. Words subs. by the Government of India (Adaptation of Indian Laws) Order, 1937 and the Adaptation of Laws Order, 1950.

2. Words and figures subs. by Ben. Act 1 of 1939.

38. Penalty for keeping up sign-board or notice after expiry

of license :-

Whenever any license granted as aforesaid shall have ceased to have effect, it shall be lawful for the Commissioner of Police to order the person to whom such license shall have been granted to remove or cause to be removed any signboard or other notice which such person might have been therefore bound, under the conditions of his said license, to affix on or near the house or place of public resort or entertainment for which such license had been granted; and any person who shall fail to obey any such order forthwith shall be liable, on summary conviction before a Magistrate, to a fine of ten rupees for every day thereafter during which he shall so fail.

39. Commissioner of Police may grant licenses for places for which no licenses are required under the Bengal Excise Act :-

¹[(1)] The Commissioner of Police may, at his discretion, from time to time, grant licenses to the keepers of such houses or places of public resort and entertainment as aforesaid for which no license as is specified in ²[the Bengal Excise Act, 1909] is required upon such conditions, to be inserted in every such license, as he with the sanction of the said ³[State Government] from time to time shall order, for securing the good behaviour of the keepers of the said houses or places of public resort or entertainment, and the prevention of drunkenness and disorder among the persons frequenting or using the same; and the said licenses may be granted by the said Commissioner, for any time not exceeding one year :

⁴Provided that the said Commissioner may, by order, refuse to grant any license under this sub-section, if, for reasons to be recorded in writing, he is of the opinion that

(i) the character or antecedents of the applicant for such license or the nature of the trade or calling pursued by him, make him unsuitable for the grant of such license; or

(ii) the location of the house or place of public resort and entertainment in respect of which such license is required is unsuitable for the grant of such licence on the ground of congestion of traffic, want of adequate space for parking vehicles or difficulty in maintaining public peace, order or safety or on any other similar grounds.

5 (2) Any person aggrieved by an order refusing to grant a licence under the proviso to sub-section (1) may, within thirty days from the date of such order, prefer an appeal against such order to the State Government and the State Government may, after giving the appellant an opportunity of being heard, confirm, modify or set aside such order.

1. Sec. 39 renumbered as sub-sec. (1) by W.B. Act 27 of 1969.
2. Words and figures subs. by Ben. Act 1 of 1939.
3. Words subs. by the Government of India (Adaptation of Indian Laws) Order, 1937 and the Adaptation of Laws Order, 1950.
4. Proviso ins. by W. B. Act 27 of 1969.
5. Sub-sec. (2) ins. by W.B. Act 27 of 1969.

40. Penalty for breach of conditions of license :-

¹Any person committing a breach of any of the conditions which, in accordance with section 37 of this Act, are included in a license granted under ²[the Bengal Excise Act, 1909], or of any of the conditions subject to which a license is given under section 39 of this Act, shall, on summary conviction before a Magistrate, be liable to a fine not exceeding one hundred rupees; and such fine shall be recovered from the person licensed, notwithstanding that such breach may have been caused by the default or carelessness of the servant or other person in charge of the shop or place of sale. Any person so convicted shall also be liable to the forfeiture of his license, at the discretion of the Commissioner of Police, subject to the direction and control of the said ³ [State Government].

1. Sec. 40 subs. for the original Sec. by W.B. Act 2 of 1876.
2. Words and figures subs. by Ben. Act 1 of 1939.
3. Words subs. by the Government of India (Adaptation of Indian Laws) Order.

41. Fees for certificates, licenses and passes :-

For every certificate, license or pass granted by the Commissioner of Police under this Act there shall be levied a fee at the rate specified in the Schedule of fees annexed to this Act.

42. Penalty for harbouring and concealing deserters from merchant-vessels :-

Whoever, in any place within the said town wilfully harbours or conceals any seaman or apprentice belonging to any vessel other than a vessel of ¹ [the Indian Navy], knowing or having reason to believe, such seaman or apprentice to be a deserter, shall be liable, on summary conviction before a Magistrate, to a fine not exceeding

one hundred rupees.

1. Subs. by the Adaptation of Laws Order, 1950.

43. Power to order discontinuance of use of house, room or place as brothel, disorderly house or place of assignation in certain cases; penalty for breach of order, power of owner or lessor to determine lease or tenancy :-

Rep. by Ben. Act 13 of 1923.

43A. Power to order discontinuance of use of house, room or place as brothel, disorderly house or place of assignation in certain cases; penalty for breach of order, power of owner or lessor to determine lease or tenancy :-

Rep. by Ben. Act 13 of 1923.

43B. Power to order discontinuance of use of house, room or place as brothel, disorderly house or place of assignation in certain cases; penalty for breach of order, power of owner or lessor to determine lease or tenancy :-

Rep. by Ben. Act 13 of 1923.

43C. Power to order discontinuance of music in certain cases :-

1

(1) The Commissioner of Police may, upon complaint made to him in writing by any person, by written order direct the discontinuance in any place of music or singing, the beating of drums, or tom-toms, and the blowing or sounding of horns or other noisy instruments, if he is satisfied that the same is a nuisance and ought to be summarily stopped either on account of the dangerous illness of, or because it seriously interferes with the reasonable occupation of, any person resident or lawfully engaged in the neighbourhood :

Provided that in any case where the discontinuance of music or other sounds as aforesaid, is so ordered, it shall be lawful for a Magistrate, upon the complaint of any person aggrieved, and if satisfied that the order complained of is unreasonable under the circumstances, to alter or reverse such order as he deems fit, and the Commissioner of Police shall give effect to any such alteration or reversal :

Provided also that nothing in this section shall apply to music or other sounds as aforesaid in any place of public worship or on the occasion of any religious observance or ceremony.

(2) Any person who contravenes an order of the Commissioner of Police passed under sub-section (1) shall be punished with a fine which may extend to one hundred rupees.

1. Sec. 43C subs. by Ben. Act 3 of 1907.

43D. Power to prohibit, restrict, regulate or impose conditions on the use of microphones, etc :-

1

(1)

(a) If, in the opinion of the Commissioner of Police, it is necessary so to do for the purpose of or

(b) The State Government may, on its own motion or on the representation of any person or persons aggrieved, modify, alter or cancel any such order.

(2) A Police-officer, not below the rank of a Sub-Inspector or a Sergeant, may take such steps or use such force as may be reasonably necessary for securing compliance with any order made under clause (a) of sub-section (1) or any such order as modified or altered by the State Government under clause (b) of that sub-section and may seize any microphone, loudspeaker or other apparatus used or operated in contravention of the order.

(3) A Police-officer referred to above, who seizes any microphone, loudspeaker or other apparatus under sub-section (2), may also at the same time seize any vehicle in which such microphone, loudspeaker or other apparatus is being carried or conveyed or is being kept at that time :

Provided that any officer of the police-station within the limits of which the vehicle is seized not below the rank of a Sub-Inspector may release such vehicle on a bond for such sum, not exceeding five hundred rupees, as he deems reasonable, being executed by the owner of the vehicle in favour of the State Government to produce the vehicle at the time of the investigation or the trial, and to surrender the vehicle, if directed to be forfeited under sub-section (4).

(4) Any person who contravenes any order of the Commissioner of Police made under clause (a) of sub-section (1) or who contravenes any such order as modified or altered by the State Government under clause (b) of that sub-section, shall be punished with a fine

which may extend to one hundred rupees and the court trying an offence under this section may also direct the forfeiture of any microphone, loudspeaker or other apparatus seized under sub-section (2) or any vehicle seized under sub-section (3) or released under the proviso to that sub-section.

(5) The provisions of this section shall be in addition to and not in derogation of the powers conferred by any other section of this Act.

1. Sec. 43D ins. by W.B. Act 20 of 1957.

44. Penalty for owning or keeping or being employed in a gaming-house, etc.; penalty for being found playing in gaming-house; Commissioner or Magistrate may grant warrants to Police-officers to enter gaming-house for search and seizure; Common gaming-house; On conviction for keeping common gaming-house, instruments of gaming to be destroyed, etc.; Proof of playing for stakes unnecessary; witnesses indemnified; exemption of games of mere skill; portion of fine may be paid to informer :-

Rep. by W.B. Act 32 of 1957.

45. Penalty for owning or keeping or being employed in a gaming-house, etc.; penalty for being found playing in gaming-house; Commissioner or Magistrate may grant warrants to Police-officers to enter gaming-house for search and seizure; Common gaming-house; On conviction for keeping common gaming-house, instruments of gaming to be destroyed, etc.; Proof of playing for stakes unnecessary; witnesses indemnified; exemption of games of mere skill; portion of fine may be paid to informer :-

Rep. by W.B. Act 32 of 1957.

46. Penalty for owning or keeping or being employed in a gaming-house, etc.; penalty for being found playing in gaming-house; Commissioner or Magistrate may grant warrants to Police-officers to enter gaming-house for search and seizure; Common gaming-house; On conviction for keeping common gaming-house, instruments of gaming to be destroyed, etc.; Proof of playing for stakes unnecessary; witnesses indemnified; exemption of games of mere skill; portion of fine may be paid to informer :-

Rep. by W.B. Act 32 of 1957.

47. Penalty for owning or keeping or being employed in a gaming-house, etc.; penalty for being found playing in gaming-house; Commissioner or Magistrate may grant warrants to Police-officers to enter gaming-house for search and seizure; Common gaming-house; On conviction for keeping common gaming-house, instruments of gaming to be destroyed, etc.; Proof of playing for stakes unnecessary; witnesses indemnified; exemption of games of mere skill; portion of fine may be paid to informer :-

Rep. by W.B. Act 32 of 1957.

48. Penalty for owning or keeping or being employed in a gaming-house, etc.; penalty for being found playing in gaming-house; Commissioner or Magistrate may grant warrants to Police-officers to enter gaming-house for search and seizure; Common gaming-house; On conviction for keeping common gaming-house, instruments of gaming to be destroyed, etc.; Proof of playing for stakes unnecessary; witnesses indemnified; exemption of games of mere skill; portion of fine may be paid to informer :-

Rep. by W.B. Act 32 of 1957.

49. Penalty for owning or keeping or being employed in a gaming-house, etc.; penalty for being found playing in gaming-house; Commissioner or Magistrate may grant warrants to Police-officers to enter gaming-house for search and seizure; Common gaming-house; On conviction for keeping common gaming-house, instruments of gaming to be destroyed, etc.; Proof of playing for stakes unnecessary; witnesses indemnified; exemption of games of mere skill; portion of fine may be paid to informer :-

Rep. by W.B. Act 32 of 1957.

50. Penalty for owning or keeping or being employed in a gaming-house, etc.; penalty for being found playing in gaming-house; Commissioner or Magistrate may grant warrants to Police-officers to enter gaming-house for search and seizure; Common gaming-house; On conviction for keeping common gaming-house, instruments of gaming to be destroyed, etc.; Proof of playing for stakes unnecessary; witnesses indemnified; exemption of games of mere skill; portion of fine may be paid to informer :-

Rep. by W.B. Act 32 of 1957.

50A. Penalty for owning or keeping or being employed in a gaming-house, etc.; penalty for being found playing in gaming-house; Commissioner or Magistrate may grant warrants to Police-officers to enter gaming-house for search and seizure; Common gaming-house; On conviction for keeping common gaming-house, instruments of gaming to be destroyed, etc.; Proof of playing for stakes unnecessary; witnesses indemnified; exemption of games of mere skill; portion of fine may be paid to informer :-

Rep. by W.B. Act 32 of 1957.

51. Penalty for owning or keeping or being employed in a gaming-house, etc.; penalty for being found playing in gaming-house; Commissioner or Magistrate may grant warrants to Police-officers to enter gaming-house for search and seizure; Common gaming-house; On conviction for keeping common gaming-house, instruments of gaming to be destroyed, etc.; Proof of playing for stakes unnecessary; witnesses indemnified; exemption of games of mere skill; portion of fine may be paid to informer :-

Rep. by W.B. Act 32 of 1957.

52. Gambling in the streets :-

Rep. by Ben. Act 2 of 1867.

53. Pawnbrokers and money-changers to report stolen property under penalty for neglect :-

If any property answering the description set forth in any information which shall be given by any Police-officer to any pawnbroker or dealer in second-hand property, or money-changer, regarding property stolen or fraudulently obtained, shall then be or thereafter come into the possession of, or be offered in pawn or for sale or change to, such pawnbroker, dealer or money-changer, he shall, without unnecessary delay, give information to that effect at the nearest police-station, and also state the name and address given by the party by whom the same was offered, or from whom the same was received, under a penalty, to be imposed by a Magistrate on summary conviction, not exceeding fifty rupees for each and every such neglect or offence:

Provided always that, in the case of wearing-apparel or other articles which it may be difficult for such pawnbroker or dealer to trace out and identify, no fine shall be exigible in respect of not reporting such articles, unless it shall appear to the Magistrate that

such articles had been knowingly concealed by such pawnbroker or dealer.

54. Taking pledge from child under the age of fourteen :-

Whoever takes from any child, apparently under the age of fourteen years, any article whatsoever as a pawn, pledge or security for any sum of money lent or advanced to such child, or without the knowledge and consent of the owner of the article, buys from any child any article whatsoever, shall be liable, on summary conviction before a Magistrate, to a penalty not exceeding one hundred rupees.

54A. Possession or dealing with thing stolen or fraudulently obtained :-

1

(1) Whoever has in his possession, or conveys in any manner, or offers for sale or pawn, anything which there is reason to believe to have been stolen or fraudulently obtained, shall, if he fails to account for such possession or act to the satisfaction of the Magistrate, be liable to fine which may extend to one hundred rupees, or to imprisonment with or without hard labour, for a term which may extend to three months.

(2) If any person charged under sub-section (1) in respect of anything declares that he received such thing from some other person, or that he was employed as a carrier, agent or servant to convey such thing for some other person. the Magistrate, after such further inquiry (if any) as he may deem necessary, may summon such other person, and any former or pretended purchaser or other person through whose possession such thing is alleged to have passed, to appear before him, and may examine such person and any witness who are produced to testify to such receipt, employment or possession; and if it appears to the Magistrate that any such person had possession of such thing and had reasonable cause to believe that it was stolen or

1. Sec. 54A ins. by Ben. Act 3 of 1910.

55. Standard weights and measures :-

The Commissioner of Police shall keep in his office standard weights and measures; and weights and measures shall be held to be false when they do not agree with such standards.

56. Powers of Inspector, etc., to enter shops to seize false

weights and measures :-

Any Inspector or superior officer of police may enter any shop or premises for the purpose of inspecting the weights and measures, and instruments for weighing, kept or used therein, and may seize any weight, measure or instrument for weighing which he may have reason to believe is false.

57. Manufacture or possession of gunpowder :-

Whoever manufactures gunpowder, or, without a licence from the Commissioner of Police, has in his possession in any house, shop, warehouse or other building, at any one time, a greater quantity of gunpowder than ten pounds shall be liable, on a summary conviction before a Magistrate, to a fine not exceeding five hundred rupees, and also to forfeit such gunpowder so manufactured or possessed, together with the vessel or receptacle in which it may be contained.

58. Licences by Commissioner for sale and deposit of gunpowder, etc :-

Rep. by Ben. Act 3 of 1910.

59. Licences for conveying and removing gunpowder :-

The Commissioner of Police may grant to any person a licence for the transit and carrying of gunpowder from one place to another, in such manner and in such quantity as he may deem advisable; and any person, not being duly licensed in that behalf who carries or conveys a greater quantity of gunpowder than one pound from one place to another, shall be liable, on summary conviction before a Magistrate, to a fine not exceeding fifty rupees.

60. Commissioner may issue warrant to search for explosive substance :-

The Commissioner of Police, on credible information laid before him on oath, ¹[and reduced to writing] may issue his warrant authorizing a Police-officer ¹[not below the rank of Sub-Inspector] to search ³* * any house, shop, magazine or other building or place in which he has reasonable ground to suspect that any ⁴[explosive substance] is manufactured, sold or kept, or any boat, carriage, cart or other vehicle in which any ³[explosive substance] may be suspected to be carried, or any person suspected of carrying the same, contrary to the provisions of this Act ¹[or any other law or any rule made thereunder]; and all ³ [explosive substance] found in such search shall, together with the vessels or

receptacles in which it may be stored, be immediately seized and kept, pending the judgment of a Magistrate.

1. Words ins. by Ben. Act 3 of 1910.
3. Words omitted by Ben. Act 3 of 1910.
4. Words subs. by Ben. Act 3 of 1910.

61. Act not to apply to explosive substances belonging to the Government :-

None of the ¹[three] last preceding sections shall extend to any ²[magazine or store belonging to the Government], or building for the making or deposit of ³[explosive substances] under the authority or for ⁴[the use of any Government] or to any ³[explosive substances] belonging to ⁶ [Government].

1. Word subs. by Ben. Act 3 of 1910.
2. Words subs. by the Government of India (Adaptation of Indian Laws) Order, 1937 and the Adaptation of Laws Order, 1950, respectively.
3. Words subs. by Ben. Act 3 of 1910.
4. Words subs. by the Government of India (Adaptation of Indian Laws) Order, 1937.
6. Word subs. by the Adaptation of Laws Order, 1950.

61A. Power of Commissioner to prohibit the use or the driving of certain types of vehicles in streets or public places :-

1

(1) With the previous sanction of the ²[State] Government, the Commissioner of Police may, from time to time, by notification in the Official Gazette, prescribe the types of vehicles which shall not be driven or used in streets or public places.

(2) Whoever uses or drives in a street or public place a vehicle of a type the use or driving of which has been prohibited under subsection (1) shall be liable to fine which may extend to five hundred rupees, and the vehicle in respect of which the offence has been committed shall be forfeited to the ³ [Government].

1. Sec. 61A ins. by W. B. Act 35 of 1948.
2. Word subs. by the Adaptation of Laws Order, 1950.
3. Words subs. by the Government of India (Adaptation of Indian Laws) Order, 1937.

62. Power of Commissioner to make rules for regulation of traffic, etc :-

1

(1) With the previous sanction of the ²[State] Government, the Commissioner of Police may, after previous publication, from time to time make rules

(a) for licensing and controlling persons offering themselves for employment at quays, wharves or landing-places for the carriage of passengers' baggage, and fixing and providing for the enforcement of a scale of charges for the labour of such persons when so employed;

(b) regulating traffic of all kinds in streets and public places, and the use of streets and public places by persons riding, or driving, leading or riding in vehicles, or leading or accompanying cattle, or walking so as to prevent danger, obstruction or inconvenience to the public;

(c) regulating the conditions under which vehicles may remain standing in streets and public places, and the use of streets as halting places for vehicles or. cattle;

(d) prescribing the number and position of lights to be used on vehicles in streets and public places;

(e) regulating and controlling the conveyance of timber, bamboos, scaffold-poles, ladders, iron girders, beams or bars, boilers, or other unwieldy articles, or coal, or bricks, lime, or other building materials, through the streets, and the route and hours for such conveyance;

(f) for licensing, controlling, or, in view to preventing obstruction, inconvenience or annoyance to residents or passengers in the vicinity, prohibiting the playing of music in streets or in public places other than public buildings and the precincts thereof;

(g) for licensing, controlling, or, in view to preventing risk, danger or damage to residents or passengers in the vicinity, prohibiting the carrying of any explosive substance in streets or public places;

(h) for controlling, in the interest of the public convenience and safety, the illumination of streets and public places and the erection of structures on or over any street or public place, or against the exterior of any building abutting thereon, for the purposes of illumination;

(i) for authorizing and regulating the removal, by the Police, of any

structures referred to in clause (h) of this section, or any appliances for illumination placed on or over any street or public place or against the exterior of any building abutting thereon, when the Commissioner of Police considers that the same are likely to

(j) regulating the means of entrance and exit at places of public amusement, entertainment and assembly, and the lighting thereof when used by the public, and providing for the maintenance of public safety and the prevention of disturbance therein :

Provided that nothing in this section shall affect the provisions of the Indian Arms Act, 1878, or the Indian Explosives Act, 1884.

(2) Any rules made under this section may, with the like sanction, be altered or rescinded by the Commissioner of Police after previous publication of the alteration or rescission.

(3) Every rule and alteration of a rule made under this section and every rescission of any such rule shall be published in the ³ [Official Gazette] and in the manner prescribed by this Act for the publication of public notices.

(4) Whoever contravenes any rule made under this section shall be liable,

(i) if the rule were made under clause (a), clause (b), clause (c) or clause (f) of sub-section (1) to fine which may extend to fifty rupees, or

(ii) if the rule were made under clause (d), clause (e) or clause (g) of sub-section (1) to imprisonment, with or without hard labour, for a term which may extend to eight days or to fine, which may extend to fifty rupees, or to both, or

(iii) if the rule were made under clause (h), clause (i) or clause (j) of sub-section (1) to fine which may extend to one hundred rupees.

1. Sec. 62 subs. by Ben. Act 3 of 1910.

2. Word subs. by the Adaptation of Laws Order, 1950.

3. Words subs. by the Government of India (Adaptation of Indian Laws) Order, 1937.

62A. Power of Commissioner and other officers to give directions to the public :-

1

(1) The Commissioner of Police, and, subject to the orders of the Commissioner of Police, every Police-officer of a rank not inferior to

that of Sub-Inspector, may with a view to securing the public safety or convenience, but not so as to contravene any rule made under the last foregoing section or the provisions of any license granted under any such rule give all such directions, either orally or in writing, as he may consider necessary to

(a) secure the orderly conduct of persons constituting processions and assemblies in streets;

(b) prescribe the routes by which and the times at which any such procession may, or may not, pass;

(c) prevent obstructions on the occasion of all processions and as-

(d) keep order on and in all streets, quays, wharves and landing-places, and all other public places or places of public resort; or

(e) regulate and control music, the beating of drums, tomtoms and other instruments, and the blowing or sounding of horns or other noisy instruments, in any street or any public place other than public buildings and the precincts thereof.

(2) The Commissioner of Police may also, subject to the control of the ²[State] Government, whenever and for such time as he may consider it necessary to do so for the preservation of the public peace or public safety, by notification, publicly promulgated or addressed to individuals, prohibit

(i) the carrying of swords, spears, bludgeons, guns or other offensive weapons in any public place;

(ii) the carrying, collection and preparation of stones or other articles intended to be used as missiles, or of instruments or means of casting or impelling missiles;

(iii) the exhibition of persons, corpses, figures or effigies in any public place; and

(iv) the public utterance of cries, singing of songs or playing of music.

(3) The Commissioner of Police may also, subject to the control of the ²[State] Government, whenever and for such time as he may consider necessary, by notification publicly promulgated or addressed to individuals, prohibit the delivery of public harangues, the use of gestures, or mimetic representations, and the

preparation, exhibition or dissemination of pictures, symbols, placards or any other object or thing which

(i) may be of a nature to outrage morality or decency, or

(ii) are likely, in the opinion of the Commissioner of Police, to inflame religious animosity or hostility between different classes, or to incite to the commission of an offence, to a disturbance of the public peace or to resistance to, or contempt of, the law or lawful authority.

(4) The Commissioner of Police may also, by order in writing, prohibit any procession or public assembly, whenever and for so long as he considers such prohibition to be necessary for the preservation of the public safety :

Provided that no such prohibition shall remain in force for more than seven days without the sanction of the ⁴[State] Government.

(5) The Commissioner of Police may also, subject to the orders of the ³ [State] Government, by public notice, temporarily reserve for any public purpose any street or public place, and prohibit persons from entering the area so reserved save under such conditions as may be prescribed by the Commissioner of Police.

(6) Whoever contravenes any direction, order or prohibition lawfully given or made under this section shall be liable,

(i) if the direction, order or prohibition were given or made under sub-section (1) or sub-section (5) to fine which may extend to one hundred rupees; or

(ii) if the prohibition were made under sub-section (2), sub-section (3) or sub-section (4) to imprisonment, with or without hard labour, for a term which may extend to one month, or to fine which may extend to one hundred rupees, or to both.

1. Sec. 62A subs. by Ben. Act 3 of 1910.

2. Word subs. by the Adaptation of Laws Order, 1950.

4. Word subs. by the Adaptation of Laws Order, 1950.

62B. Enforcement of orders issued under the last foregoing section :-

1

(1) Whenever a notification, order in writing or public notice has been duly issued under sub-section (2), sub-section (3), sub-

section (4) or sub-section (5) of the last foregoing section, then

(a) in the case of a notification issued under clause (i), clause (ii) or

(b) in the case of a notification issued under clause (iv) of the said sub-section (2), or under the said sub-section (3), or, in the case of an order issued under the said sub-section (4), any Magistrate or any Police-officer of or above the rank of Sub-Inspector, may require any person acting or about to act contrary thereto to desist or to abstain from such action, and in case of refusal or disobedience, may arrest such person.

(2) Any Magistrate or Police-officer acting under sub-section (1) may also seize anything used or about to be used in contravention of such notification, order or notice as aforesaid, and anything so seized shall be disposed of as any Magistrate having jurisdiction may order.

1. Sec. 62B subs. by Ben. Act 3 of 1910.

62C. Power to give directions to prevent disorder at places of public amusement, etc :-

1

(1) For the purpose of preventing serious disorder or manifest and imminent danger to the persons assembled at any place of public amusement or at any assembly or meeting to which the public are invited or which is open to the public, the Police-officer of highest rank superior to that of Head Constable, who is present may, subject to such rules, directions and orders as may have been lawfully made, give such reasonable directions as he may think necessary as to the mode of admission of the public to, and for securing the peaceful and orderly conduct of persons attending at, such place, assembly or meeting; and all persons shall be bound to conform to such directions.

(2) The Police shall have free access to every such place of public amusement, assembly or meeting, for the purpose of giving effect to the provisions of sub-section (1) and to any direction given thereunder.

(3) Whoever disobeys or fails to conform to any lawful and reasonable direction given by any Police-officer under sub-section (1) shall be liable to fine which may extend to one hundred rupees.

1. Sec. 62C subs. by Ben. Act 3 of 1910.

62CC. Prohibition of sale at a higher price of tickets once issued for admission to an entertainment :-

1

(1) For the purpose of preventing disorder or disturbance at or near any place where any entertainment is held, the Commissioner of Police may, with the previous sanction of the State Government, by order (of which public notice shall be given), prohibit within a radius of one furlong from the place of entertainment, the sale or the offer for sale of tickets once issued for admission as spectators to such entertainment at a price higher than the price at which such tickets were originally issued.

(2) Whoever contravenes any order referred to in sub-section (1) shall be liable to imprisonment for a term which may extend to three months or to fine which may extend to one hundred rupees or to both.

(3) Any police officer not below the rank of Sub-Inspector may arrest without warrant any person committing an offence punishable under this section.

(4) In this section the expression 'entertainment' means any exhibition, performance, amusement, game or sport to which persons are admitted as spectators on production of tickets.

1. Sec. 62CC ins. by W. B. Act 19 of 1952.

62D. Power of Commissioner to cause reports to be taken of proceedings of public meetings :-

1 . The Commissioner of Police may, by order in writing, depute one or more Police-officer, not being below the rank of Head Constable, or other persons to attend any public meeting for the purpose of causing a report to be taken of the proceedings of such meeting if in the opinion of the Commissioner of Police to be recorded in writing, the meeting is likely to promote sedition or disaffection or to cause a disturbance of the public peace and tranquillity.

1. Sec. 62D subs. by Ben. Act 3 of 1910.

63. Passenger-boats to be registered; power to refuse or cancel registration ; penalty for neglecting; or delaying to report accident attended with loss of life :-

Rep. by Ben. Act 4 of 1879.

64. Passenger-boats to be registered; power to refuse or

cancel registration ; penalty for neglecting; or delaying to report accident attended with loss of life :-

Rep. by Ben. Act 4 of 1879.

65. Passenger-boats to be registered; power to refuse or cancel registration ; penalty for neglecting; or delaying to report accident attended with loss of life :-

Rep. by Ben. Act 4 of 1879.

66. Penalty for committing in public streets the offences :-

Whoever, within such limits as shall be from time to time defined by the Commissioner of Police, with the sanction of the said ¹[State] Government in any ²* * street, ²* * thoroughfare or place of public resort, commits any of the following offences, shall be liable, on summary conviction before a Magistrate, to a fine not exceeding fifty rupees:

(1) whoever drives, rides or leads any elephant or camel without ⁴[a pass] from the Commissioner of Police;

(2) whoever drives any vehicle ⁸⁰* * at any time between three-quarters of an hour after sunset and one hour before sunrise, without a sufficient light ²* * * *;

(3) whoever, without reasonable cause, shall drive a ²* * * * vehicle otherwise than on the left or near side of the road;

(4) whoever exposes for show, hire or sale, any horse or other animal, or any carriage, or cleans or dresses any horse, or other animal, or cleans any carriage or other conveyance, or makes or repairs any part of any cart or carriage, except in cases of accident where repair on the spot is necessary, or trains or breaks any horse except in such place and at such times as may be allowed by the Commissioner;

(4a) whoever exposes or keeps any article so as to cause obstruction in any public thoroughfare;

(5)(negligence in driving cattle ; leaving cart, etc., without control; obstructing road or thoroughfare by carriage, etc., obstructing foot-way; beating drum, tom-tom, etc.) Rep. by Ben. Act 3 of 1910.

(6)(negligence in driving cattle ; leaving cart, etc., without control; obstructing road or thoroughfare by carriage, etc., obstructing foot-way; beating drum, tom-tom, etc.)-Rep. by Ben. Act 3 of 1910.

(57)(negligence in driving cattle ; leaving cart, etc., without control; obstructing road or thoroughfare by carriage, etc., obstructing foot-way; beating drum, tom-tom, etc.)-Rep. by Ben. Act 3 of 1910.

(8)(negligence in driving cattle ; leaving cart, etc., without control; obstructing road or thoroughfare by carriage, etc., obstructing foot-way; beating drum, tom-tom, etc.)-Rep. by Ben. Act 3 of 1910.

(9)(negligence in driving cattle ; leaving cart, etc., without control; obstructing road or thoroughfare by carriage, etc., obstructing foot-way; beating drum, tom-tom, etc.)-Rep. by Ben. Act 3 of 1910.

(10) whoever, by driving hackery or cart with insufficiently-greased wheels, shall create a noise which is reasonably calculated to cause annoyance to persons frequenting or residing near the thoroughfare in which such hackery or cart is driven;

(11) whoever sets fire to or burns any straw or other matter, or lights any bon-fire, or wantonly discharges any fire-arm, or air-gun, or lets off or throws any fire-work, or sends up any fire-balloon, in or near any ⁷* * * street ⁸³* * * or thoroughfare except at such times and places as shall from time to time be allowed by the Commissioner of Police;

(12) (illuminations). Rep. by Ben. Act 3 of 1910.

(13) whoever without the consent of the owner or occupier affixes any bill or notice, or any paper against or upon any building, wall, ⁸[tree, fence, post, pole or other erection], or writes upon, defaces or marks any such building, wall, ⁵[tree, fence, post, pole or other erection] with chalk or paint, or in any way whatsoever;

(14) whoever bathes or washes himself in any ⁴* * street or in, upon or by the side of any public tank, reservoir or aqueduct, not being a place set apart for such purpose;

(15) whoever obstructs or incommodes a person bathing at any place set apart as a bathing place, by wilful intrusion, or by using such place as a landing-place or by anchoring or otherwise fastening or keeping boats, or by washing ⁴* * cattle or dogs, at or near such place, or in any other way.

1. Word subs. by the Adaptation of Laws Order, 1950.

2. Words repealed by Ben. Act 3 of 1910.

4. Words subs. by W. B. Act 19 of 1952.

7. Words repealed by Ben. Act 3 of 1910.

8. Words subs. by Ben. Act 3 of 1907.

67. Cruelty to animals :-

Rep. by Ben. Act 1 of 1869.

68. Penalty for drunkenness or riotous or indecent behaviour, in public :-

¹ Whoever is found drunk and is incapable of taking care of himself, or is guilty of any riotous or indecent behaviour, in any public street or thoroughfare, or in any place of public amusement or resort, shall be liable, on summary conviction before a Magistrate, to a fine not exceeding twenty rupees, or to imprisonment, with or without hard labour, for a term not exceeding eight days.

1. This Sec. subs. for the original by Ben. Act 2 of 1886.

68A. Penalty for committing a nuisance in streets :-

¹ Whoever wilfully and indecently exposes his person, or commits a nuisance by easing himself, in, or by the side of, or near to, any public street or thorough-82. Clause (4a) ins. by Ben. Act 3 of 1910. fare or place, shall be liable, on summary conviction before a Magistrate, to a fine not exceeding ten rupees, or, in default thereof, to imprisonment, with or without hard labour, for a term not exceeding three days.

1. Sec. 68A ins. by Ben. Act 2 of 1886.

68B. Penalty for solicitation in a public place :-

Rep. by Ben. Act 6 of 1933.

69. Penalty for committing a nuisance in streets :-

Rep. by Act 4 of 1877.

70. Beggars :-

Whoever in any public* * street, thoroughfare, or place begs or applies for alms, or exposes or exhibits any sores, wounds, bodily ailment or deformity, with the object of exciting charity or of obtaining alms; or whoever seeks for or obtains alms by means of any false statement or pretences, shall be liable, on summary conviction before a Magistrate, to imprisonment, with or without hard labour, for any term not exceeding one month.

70A. Refugees for reception of certain classes of convicted beggars :-

Rep. by Ben. Act 7 of 1943.

71. Stray animals to be impounded and sold unless redeemed within ten days :-

It shall be lawful for all persons, and it is hereby declared to be the special duty of all Police-officers, to seize all cattle or other animals found straying upon the ¹* * streets or thoroughfares, or trespassing on any of the grounds or property of the inhabitants, or of the ² [Government,] and to confine such animals in any public pound which shall for such purpose be from time to time appointed by the Commissioner of Police; and if such animals shall not be respectively redeemed by the owners of the same within ten days after being so impounded, by paying to the person to be appointed by the said Commissioner to have charge of such pound the fee of eight annas for every goat, sheep or hog, and one rupee for every other animal, together with the expenses of feeding the same while impounded, according to a daily rate to be settled by the said Commissioner, such animals impounded shall be publicly sold, and the produce of such sale after paying the said fee and also the expenses of feeding, shall be paid to the owners of such animal, or in default of their claiming such produce for the space of fifteen days after such sale shall be retained by the said Commissioner and credited to any fund applicable to police purposes.

1. Words repealed by Ben. Act 3 of 1910.

2. Word subs. by the Government of India (Adaptation of Indian Laws) Order. 1937 and the Adaptation of Laws Order, 1950, respectively.

71A. Restrictions as to bringing, keeping or possessing dangerous animals :-

1

(1) No person shall bring, keep or possesses in the

(2) Whoever contravenes the provisions of sub-section (1) shall be liable on conviction before a Magistrate, to a fine not exceeding two hundred rupees.

1. Sec. 71A ins. by W.B. Act 15 of 1962.

72. Power to arrest without warrant :-

1

(1) Subject to the restrictions imposed by clause (b) of sub-section (1) of section 62B in the case of offences there referred to, any Police-officer may arrest without a warrant any person committing in his presence in any street or public place any offence punishable

under

(a) any section of this Act, ²* * * * * or

(b) any rule made under this Act, or

(c) any other law for the time being in force, if such person,

(i) after being warned by a Police-officer, persists in committing such offence, or

(ii) is unknown to such Police-officer and, when asked by such Police-officer to give his name and address, refuses to give the same, or gives a name or address which such Police-officer has reason to believe to be false or cannot then and there ascertain to be true, or

(iii) is unknown to such Police-officer and his name and address cannot be ascertained then and there, and he refuses to accompany the Police-officer, to a police-station on being required so to do.

Explanation. This sub-section does not restrict the exercise by any Police-officer of any power of arrest conferred upon him by ³[sub-section (3) of section 62CC or by] any other law.

⁴ (2) Should the true name and residence of any such person not be ascertained within twenty-four hours from the time of arrest, or should he fail to execute a recognizance for his appearance before a Magistrate, or if so required, to furnish sureties, he shall forthwith be forwarded to a Mag- istrate, having jurisdiction.

1. Sec. 72 subs. by Ben. Act 3 of 1910.

2. Words, figure and letter repealed by Ben. Act G of 1033.

3. Ins. by W.B. Act 19 of 1952.

4. Sub-sec. (2) ins. by Ben. Act 3 of 1910.

72A. Arrest without warrant for solicitation :-

Rep. by Ben. Act 6 of 1933.

73. Power to take into custody without warrant :-

Rep. by Act 4 of 1877.

74. Apprehension of offenders by private individuals :-

Whoever commits an offence on or with respect of the person or property of another, or, in committing any of the offences described or referred to in this Act, injures or damages the person or property of another, may, if his name and address be unknown, be

apprehended by the person injured, or by any person who may be using the property to which the injury may be done, or by the servant of either of such persons, or by any person authorized by or acting in aid of him, and may be detained until he gives his name and address and satisfies such person that the name and address so given are correct, or until he can be delivered into the custody of a Police officer.

75. Penalty for assaulting or resisting person apprehending under section 74. :-

If any person lawfully apprehended under the last preceding section shall assault or forcibly resist the person by whom he shall be so apprehended, or any person acting in his aid, he shall be liable to a fine not exceeding two hundred rupees.

76. Detention of persons taken into custody by police without warrant :-

Every person taken into custody without a warrant by a Police officer shall be taken to the ¹ [police-station] in order that such person may be detained until he can be brought before a Magistrate, or until he shall enter into recognizances, with or without sureties, for his appearance before a Magistrate.

1. Word subs. by Ben. Act 3 of 1910.

77. Power to take recognizances at police-station :-

Whenever any person is brought to a ¹[police-station] charged with any offence against this Act ²* * * * or whenever a person is in the custody of any Police officer without a warrant, it shall be lawful for the officer in charge of such ¹ [police-station], or any superior officer of police, if he shall deem it prudent, to enlarge such person on his own recognizance, with or without sureties, conditioned as hereinafter mentioned.

1. Word subs. by Ben. Act 3 of 1910.

2. Words and figures repealed by Act 1 of 1903.

78. Condition of recognizance :-

Every recognizance so taken shall be without fee or reward, and shall be conditioned for the appearance of the person thereby bound before the Magistrate at his next sitting; and all persons executing the said recognizance shall acknowledge themselves jointly and severally bound in the sum (not exceeding one thousand rupees) thereby acknowledged; and the time and place of appearance shall be specified in the said recognizance or in the

condition thereof; and the officer taking the recognizance shall enter in a book, to be kept for the purpose, the name, residence and occupation of the party, and his surety or sureties (if any) entering into such recognizance, together with the condition thereof and the sum thereby acknowledged, and shall return every such recognizance to the Magistrate present at the time and place when and where the party is bound to appear.

78A. Power of Commissioner of Police to require attendance and obtain statements of witnesses :-

1

(1) If, in the course of any investigation, the Commissioner of Police has reason to believe that a cognizable offence has been committed, he may, by order in writing require the attendance, before himself or before any officer serving under him, not below the rank of Sub-Inspector, who is investigating a cognizable offence, of any person then being within the limits of the town or suburbs of Calcutta, or within thirty miles of such limits, who, from the information given or otherwise, appears to be acquainted with the facts or circumstances of the case; and such person shall attend as so required.

(2) The Commissioner of Police, or any officer aforesaid, may examine orally any person so attending, and may reduce into writing any statement made by him; and such person shall be bound to answer all questions relating to the case put to him by the Commissioner, or such officer, other than questions the answers to which would have a tendency to expose him to a criminal charge or to a penalty or forfeiture.

(3) The Commissioner of Police may, in any case, forward to the Superintendent of Police of the district in which any person from whom any information is required relating to the facts or circumstances of the case under investigation, is believed to be, such questions and such statement as may be necessary for the purpose of obtaining the information desired; and such Superintendent shall, on receipt thereof, cause such person to be examined orally, and his statement to be reduced into writing, in the same manner and subject to the same provisions as if any investigation were being made into such offence in such district, and shall forward the statement, reduced into writing to the Commissioner of Police.

(4) Subject to any rules made by the ²[State] Government ³* * *
* the Commissioner of Police may, if he thinks fit, order payment on the part ⁴ [of the State Government], of the reasonable expenses of any person residing in the town or suburbs of Calcutta who attends for the purposes of any investigation before himself or any other Police-officer under this section, and shall order payment as aforesaid of the reasonable expenses of any person not so residing who attends as aforesaid.

1. Sec. 78A ins. by Ben. Act 3 of 1910.

2. Word subs. by the Adaptation of Laws Order, 1950.

3. Words repealed by Act 38 of 1920.

4. Words subs. by the Government of India (Adaptation of Indian Laws) Order, 1937 and the Adaptation of Laws Order, 1950, respectively.

79. On suspicion of goods being stolen or unlawfully obtained Commissioner may grant search-warrant :-

If information shall be given on oath to the Commissioner of Police ¹* * that there is reasonable cause for suspecting that anything stolen or unlawfully obtained is concealed or lodged in any dwelling-house, building or other place, or any ship or vessel, the Commissioner ¹* * by special warrant under his hand directed to any Police-officer, may cause such dwelling-house, building or other place, or ship or vessel, to be entered and searched at any time of the day, or by night, if power for that purpose be given by such warrant :

³Provided that no such warrant shall authorize any Police-officer below the rank of Sub-Inspector to make any entry or search at night ;

and the said Commissioner ¹ * *' if it shall appear to him necessary, may empower such Police-officer, with such assistants as may be found necessary (such officer having previously made known his authority), to use force for the effecting of such entry, whether by breaking open doors or otherwise, and if upon search thereupon made, such thing shall be found, then to convey the same before a Magistrate, or to go guard the same on the spot until the offenders are taken before a Magistrate, or otherwise dispose thereof in some place of safety; and moreover to take into custody, and carry before the said Magistrate, every person found in such house or place, or ship or vessel, who shall appear to have been privy to the deposit of any such thing, knowing or having reasonable cause to suspect the same to have been stolen or otherwise unlawfully obtained.

1. Words repealed by Act 4 of 1877.
3. Proviso ins. by Ben. Act 3 of 1910.

80. Power to search houses for stolen property without warrant :-

If information shall be given to any officer of police not below the rank of ¹ [Sub-Inspector], that there is reasonable cause for suspecting that any stolen property is concealed or lodged in any dwelling-house or other place, and he shall have good grounds for believing that by reason for the delay in obtaining a search-warrant the property is likely to be removed, the said officer, in virtue of his office, may search for specific articles alleged to have been stolen in the houses and places specified :

Provided always that a list of articles stolen or missing be delivered or taken down in writing, with a declaration stating that the robbery has been committed, and that the informant has good ground to believe that the property is deposited in such house or place; and provided, further, that the person who lost the goods, or his representative, accompany the officer in the search.

1. Word subs. by Ben. Act 3 of 1907.

80A. Power to search for persons wrongfully confined :-

¹ If information is given on oath to the Commissioner of Police that any person is confined under such circumstances that the confinement amounts to an offence, and if it is for any reason impracticable to make an application to a Magistrate under section 100 or section 552 of the Code of Criminal Procedure, 1898, the Commissioner may issue a search-warrant to any Police officer not below the rank of Sub-Inspector; and the officer to whom such warrant is directed may search for the person indicated in such warrant in accordance with such directions as may be given therein; and the person, if found, shall immediately be taken before a Magistrate, who shall make such order as in the circumstances of the case seems proper.

1. Secs. 80A, 80B and 80C ins. by Ben. Act 3 of 1910.

80B. When officer in charge of police-station may require another to issue search-warrant :-

(1) An officer in charge of a police station in the town of Calcutta may require any officer in charge of a police station in any part of ¹ [West Bengal], whether within or without the town of Calcutta, to

cause a search to be made in any place, in any case in which the former officer might cause such search to be made within the limits of his own station.

(2) Such officer, on being so required, shall proceed in accordance with the provisions of section 80 of this Act or section 165 of the Code of Criminal Procedure, 1898, whichever is applicable, and shall forward the thing found (if any) to the officer at whose request the search was made.

1. Words subst. by the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948.

80C. Procedure in making searches :-

1

(1) Before any officer makes a search under this Act, he shall call upon two or more respectable persons to attend and witness the search.

(2) The search shall be made in the presence of such persons, and a list of all things seized in the course of the search, and of the places in which they are respectively found, shall be prepared by the said officer and signed by the said witness; but no person witnessing a search under this section shall be required to attend the Court as a witness of the search unless specially summoned by it.

(3) The occupant of the place searched, or some person in his behalf, shall, in every instance, be permitted to attend during the search; and a copy of the list prepared under sub-section (2) signed by the said witnesses, shall be delivered to such occupant or person at his request.

1. Ins. by Act 3 of 1910.

81. Seizure of stolen property :-

It shall be lawful for any Police-officer to seize any property or things which may be found in the possession of any person, where the possession by such person of such property or thing creates a reasonable suspicion of the committal of an offence; and such seizure shall be forthwith reported to the Commissioner of Police, who shall thereupon make such order respecting the custody or production of the property as he shall think proper.

82. Disposal of stolen property in custody of police; Magistrates power to summon persons charged; summons

how served; power to issue warrant; power to enforce attendance of witnesses; fees; power to order prisoners to be brought up; giving false evidence; power to adjourn hearing; power to award costs and amends; levy of fines; distress not unlawful for want of form :-

Rep. by Act 4 of 1877.

83. Disposal of stolen property in custody of police; Magistrates power to summon persons charged; summons how served; power to issue warrant; power to enforce attendance of witnesses; fees; power to order prisoners to be brought up; giving false evidence; power to adjourn hearing; power to award costs and amends; levy of fines; distress not unlawful for want of form :-

Rep. by Act 4 of 1877.

84. Disposal of stolen property in custody of police; Magistrates power to summon persons charged; summons how served; power to issue warrant; power to enforce attendance of witnesses; fees; power to order prisoners to be brought up; giving false evidence; power to adjourn hearing; power to award costs and amends; levy of fines; distress not unlawful for want of form :-

Rep. by Act 4 of 1877.

85. Disposal of stolen property in custody of police; Magistrates power to summon persons charged; summons how served; power to issue warrant; power to enforce attendance of witnesses; fees; power to order prisoners to be brought up; giving false evidence; power to adjourn hearing; power to award costs and amends; levy of fines; distress not unlawful for want of form :-

Rep. by Act 4 of 1877.

86. Disposal of stolen property in custody of police; Magistrates power to summon persons charged; summons how served; power to issue warrant; power to enforce attendance of witnesses; fees; power to order prisoners to be brought up; giving false evidence; power to adjourn hearing; power to award costs and amends; levy of fines; distress not unlawful for want of form :-

Rep. by Act 4 of 1877.

87. Disposal of stolen property in custody of police;

Magistrates power to summon persons charged; summons how served; power to issue warrant; power to enforce attendance of witnesses; fees; power to order prisoners to be brought up; giving false evidence; power to adjourn hearing; power to award costs and amends; levy of fines; distress not unlawful for want of form :-

Rep. by Act 4 of 1877.

88. Disposal of stolen property in custody of police; Magistrates power to summon persons charged; summons how served; power to issue warrant; power to enforce attendance of witnesses; fees; power to order prisoners to be brought up; giving false evidence; power to adjourn hearing; power to award costs and amends; levy of fines; distress not unlawful for want of form :-

Rep. by Act 4 of 1877.

89. Disposal of stolen property in custody of police; Magistrates power to summon persons charged; summons how served; power to issue warrant; power to enforce attendance of witnesses; fees; power to order prisoners to be brought up; giving false evidence; power to adjourn hearing; power to award costs and amends; levy of fines; distress not unlawful for want of form :-

Rep. by Act 4 of 1877.

90. Disposal of stolen property in custody of police; Magistrates power to summon persons charged; summons how served; power to issue warrant; power to enforce attendance of witnesses; fees; power to order prisoners to be brought up; giving false evidence; power to adjourn hearing; power to award costs and amends; levy of fines; distress not unlawful for want of form :-

Rep. by Act 4 of 1877.

91. Disposal of stolen property in custody of police; Magistrates power to summon persons charged; summons how served; power to issue warrant; power to enforce attendance of witnesses; fees; power to order prisoners to be brought up; giving false evidence; power to adjourn hearing; power to award costs and amends; levy of fines; distress not unlawful for want of form :-

Rep. by Act 4 of 1877.

92. Disposal of stolen property in custody of police; Magistrates power to summon persons charged; summons how served; power to issue warrant; power to enforce attendance of witnesses; fees; power to order prisoners to be brought up; giving false evidence; power to adjourn hearing; power to award costs and amends; levy of fines; distress not unlawful for want of form :-

Rep. by Act 4 of 1877.

93. Disposal of stolen property in custody of police; Magistrates power to summon persons charged; summons how served; power to issue warrant; power to enforce attendance of witnesses; fees; power to order prisoners to be brought up; giving false evidence; power to adjourn hearing; power to award costs and amends; levy of fines; distress not unlawful for want of form :-

Rep. by Act 4 of 1877.

94. Disposal of stolen property in custody of police; Magistrates power to summon persons charged; summons how served; power to issue warrant; power to enforce attendance of witnesses; fees; power to order prisoners to be brought up; giving false evidence; power to adjourn hearing; power to award costs and amends; levy of fines; distress not unlawful for want of form :-

Rep. by Act 4 of 1877.

95. If Magistrate certifies non-appearance of person pursuant to recognizance, sum acknowledged may be recovered as fine :-

If any person, upon entering into such recognizance as is by this Act authorized to be taken, do not afterwards appear pursuant to such recognizance, the Magistrate before whom he ought to have appeared shall certify the fact of such non-appearance on the back of the recognizance, and thereupon the sum thereby acknowledged shall be recoverable in the manner provided by ¹ [sections 64 and 67 to 70 of the Indian Penal Code and sections 386, 387 and 389 of the Code of Criminal Procedure, 1898], for levying fines.

1. Words and figures subs. by Act 1 of 1903.

96. Recognizances; form of judgment; grounds for quashing a conviction :-

Rep. by Act 4 of 1877.

97. Recognizances; form of judgment; grounds for quashing a conviction :-

Rep. by Act 4 of 1877.

98. Recognizances; form of judgment; grounds for quashing a conviction :-

Rep. by Act 4 of 1877.

99. Limitation of actions :-

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, 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 causes thereof shall be given to the defendant one month at least before the commencement of the action; and in every such action it shall be expressly alleged in the plaint that the act complained of was done maliciously and without reasonable or probable cause; and if at the trial of any such action, upon the general issue being pleaded as hereinafter provided, the plaintiff shall fail to prove such allegation, he shall be non-suited, and a verdict shall be given for the defendant.

The defendant in any such action may plead the general issue and give this Act and the special matter in evidence at any trial to be had thereupon; and no plaintiff shall recover in any such action, if tender of sufficient amends 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 if a verdict shall pass for the defendant, or the plaintiff shall become non-suit, or discontinue any such action after issue joined, or if, upon demurrer or otherwise, judgment shall be given against the plaintiff, the defendant shall recover his full costs as between attorney and client, and have the like remedy for the same as any defendant hath by law in other cases; and, though a verdict 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 shall be, shall certify his approbation of the action and of the verdict obtained thereupon.

100. Police to take charge of unclaimed movable property :-

1

(1)The Police shall, for the purpose of safe custody, take temporary

charge of

(a) all unclaimed movable property found by them, and

(b) all movable property found lying in any public street, if the owner or the person in charge of such property on being directed to remove the same, refuses or omits to do so within a reasonable time; and may, for the said purpose, take temporary charge of any unclaimed movable property made over to them.

(2) Property of which the Police have taken charge under sub-section (1) shall be handed over to the Commissioner of Police.

1. Secs. 100 and 101 subs. by Ben. Act 3 of 1910.

101. Disposal of such property :-

1

(1) If the said property appears to have been left by a person who has died intestate, and not to be under two hundred rupees in value, the Commissioner of Police shall communicate with the Administrator-General, with a view to its being dealt with under the Administrator-General's Act, 1913¹⁰, or any other law for the time being in force.

(2) In every other case the Commissioner of Police shall issue a proclamation specifying the articles of which such property consists, and requiring any person who may have a claim thereto to appear before himself or some other officer whom he appoints in this behalf and establish his claim within six months from the date of such proclamation.

(3) If the property, or any part thereof, is subject to speedy and natural decay, or consists of live-stock, or if the property appears to be of less value than five rupees, it may forthwith be sold by auction under the orders of the Commissioner of Police; and the net-proceeds of such sale shall be dealt with in the same manner as is hereinafter provided for the disposal of the said property.

(4) The Commissioner of Police shall, on being satisfied of the title of any claimant to the possession or administration of any property referred to in sub-section (2), order the same to be delivered to him, after deduction or payment of the expenses properly incurred by the Police in the seizure and detention thereof.

(5) The Commissioner of Police may, at his discretion, before making any order under sub-section (4), take such security as he

may think proper from the person to whom the said property is to be delivered; and nothing hereinbefore contained shall affect the right of any person to recover the whole or any part of such property from the person to whom it may have been delivered pursuant to such order.

(6) If no person establishes his claim to such property within the period prescribed in sub-section (2), it shall be at the disposal ² [of the State Government]; and the property, or such part thereof as has not already been sold under sub-section (3), may be sold by auction under orders of the Commissioner of Police.

1. Subs. by Ben. Act 3 of 1910.

2. Words subs. by the Government of India (Adaptation Indian Laws) Order, 1937 and the Adaptation of Laws Order, 1950, respectively.

102. Stray dogs to be killed at certain appointed periods :-

It shall be lawful for the Commissioner of Police, by order in writing, to be affixed at the principal police-stations and also to be published in some public newspaper, to appoint, from time to time, certain periods within which any dogs found straying in the streets or beyond the enclosures of the houses of the owner of such dogs may be destroyed.

102A. Public notices how to be given :-

¹ Any public notice required to be given under any of the provisions of this Act shall be in writing, shall be signed by the Commissioner of Police, and shall be published, in the locality to be affected thereby, by affixing copies thereof in conspicuous public places, or by proclaiming the same with beat of drum or by advertising the same in such local newspapers, English or Vernacular, as the Commissioner of Police may deem fit, or by any two or more of these means and by any other means he may think suitable.

1. Secs. 102A, 102B and 102C ins. by Ben. Act 3 of 1910.

102B. Consent, etc., of Commissioner of Police or Police-officer how to be proved :-

Whenever under this Act or any rule made hereunder the doing or the omitting to do anything or the validity of anything depends upon the consent, approval, declaration, opinion or satisfaction of the Commissioner of Police or of any other Police-officer, a written document signed by the Commissioner of Police or by such officer, purporting to convey or set forth such consent, approval,

declaration, opinion or satisfaction, shall, be sufficient evidence thereof.

102C. Stamping of signature :-

¹ Every license, written permission, notice, or other document[not being a summons or warrant or search-warrant, or a notification issued under sub-section (3) of section 62A, or an order made under sub-section (4) of that section, or an order made under section 78A] required by this Act, or any rule made hereunder, to bear the signature of the Commissioner of Police, shall be deemed to be properly signed if it bears a facsimile of his signature stamped thereon.

1. Secs. 102A, 102B and 102C ins. by Ben. Act 3 of 1910.

103. Foreign deserters :-

Rep. by Act 12 of 1875.

SCHEDULE 1

SCHEDULE OF FORMS

SCHEDULE OF FORMS.

FORM A

(Referred to in section 13).

A B has been appointed a member of the Calcutta Police force and i; vested with the powers, functions and privileges of a Police-officer.

CALCUTTA :

The 19 .

Commissioner of Police.

FORM B Rep. by 1 of 1903, now known as the Amending Act, 1903-vide Act 10 of 1914, Sch. II.

SCHEDULE OF FEES.

(See section 41.)

A. Fees for licenses.

Description of items.	Fees.
For every tea shop, aerated water	Rs. 100 per year and also an addi-
Shop, cold drink shop, soda fountain.	tional fee of Rs. 10 per month or fraction of a month if music is to be played in such place.

For every coffee-house, boarding-House, eating-house or sweetmeat Shop.	Rs. 250 per year and also an additional fee of Rs. 15 per month or fraction of a month if music is to be played in such place.
For every hotel run in western style	Rs. 1,000 per year for hotel. Rs. 2,000 per year for hotel and restaurant.
For every betel shop or shop selling Bidi or cigarette or tobaccos or zarda or masalla for betel leaf.	Rs. 60 per year.
For every restaurant, snack shop, Snack bar.	Rs. 250 per year.
For every lodging house for pilgrims	Rs. 50 per year.
For every lodging house for seamen.	Rs. 100 per year.
For every other case.	Rs. 10 per year: