

**EASTERN BENGAL AND ASSAM DISORDERLY HOUSES ACT,
1907**

2 of 1907

[6th April, 1907]

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An Act to provide for the discontinuance of Brothels and Disorderly Houses in certain localities in Eastern Bengal and Assam]. WHEREAS it is expedient to make provisions for the discontinuance of brothels and disorderly houses in certain localities in Eastern Bengal [and Assam] ; It is hereby enacted as follows :

1. Short title and extent :-

- (1) This Act may be called the Eastern Bengal and Assam Disorderly Houses Act, 1907;
- (2) It applies to all municipalities constituted under the Bengal Municipal Acts, 1876 and 1884; and
- (3) The State Government may, by notification in the Official Gazette, extend it to any specified local area not being a municipality.

2. Power to summon owner, etc. of brothel :-

When any Magistrate of the first class receives information

(a) that any house in the vicinity of any educational institution, or of any boarding-house, hostel or mess used or occupied by students, is used as a brothel or for the purpose of habitual prostitution, or as a disorderly house, or

(b) that any house is used as aforesaid to the annoyance of the inhabitants of the vicinity, or

(c) that any house in the vicinity of a cantonment is used as a brothel or for the purpose of habitual prostitution, he may summon the owner, tenant, manager, or occupier of the house to appear before him either in person or by agent to show cause why the use of such house should not be discontinued for any of the purposes or in any of the ways described in this section.

3. Order for discontinuance :-

If the Magistrate is satisfied that the house is used as described in clause (a), clause (b), or clause (c), as the case may be, of the foregoing section, he may, by written order, direct such owner, tenant, manager or occupier, within a period to be stated in such order, not less than five days from the date thereof, to discontinue such use.

4. Failure to appear :-

If the owner, tenant, manager, or occupier, after being duly summoned, does not appear in person or by agent on the day fixed for his appearance, the Magistrate may pass an order under the foregoing section ex parte.

5. Initiation of proceedings :-

Prosecutions under section 2 shall be instituted only

(a) with the sanction or by order of the District Magistrate; or

(b) on the report of the Chairman of the Commissioners of the Municipality concerned, in pursuance of a resolution passed by the said Commissioners at a meeting; or

(c) on the complaint of three or more persons occupying separate holdings and resident in the vicinity of the house to which the complaint refers.

6. Penalty :-

If after the period stated in an order under section 3, the house is used in any of the ways described in section 2, the person against whom the order has been passed shall be punishable with fine that

may extend to twenty-five rupees for every day after the expiration of that period during which the house is so used :

Provided that no fine shall be imposed on an owner if he is able to prove to the satisfaction of the Magistrate that he has taken such action as is within his power to comply with the order.

7. Power to inspect house :-

When the use of a house in any of the ways described in section 2 has been directed by an order under section 3 to be discontinued, it shall be lawful for the District Magistrate, by an order in writing, to authorize any officer, not below the rank of a Sub-Inspector of Police, to enter and inspect the said house at any time after the expiration of the period specified in the order under section 3, for the purpose of satisfying himself that the order is being complied with.