

**Police (West Bengal Amendment) Act, 1963**

**38 of 1963**

**[03 February 1964]**

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PREAMBLE

An Act to amend the Police Act, 1861, in its application to West Bengal.

WHEREAS it is expedient to amend the Police Act, 1861, in its application to West Bengal, for the purposes and in the manner hereinafter appearing;

It is hereby enacted as follows :-

**1. Short title :-**

This Act may be called the Police (West Bengal Amendment) Act, 1963.

**2. Application of the Act :-**

The Police Act, 1861 (hereinafter referred to as the said Act), shall, in its application to West Bengal, be amended in the manner hereinafter provided.

**3. Insertion of new section 2A in Act 5 of 1861 :-**

After section 2 of the said Act, the following section shall be, and

shall be deemed always to have been, inserted, namely :-

"2A. Power of State Government to make rules.-(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 Police (West Bengal Amendment) Act, 1963, 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."

#### **4. Substitution of new sections for section 7 :-**

For section 7 of the said Act, the following sections shall be, and shall be deemed always to have been substituted, namely :-

"7. Punishment of subordinate ranks of the police force in disciplinary cases.-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.

7A. Validity of appointment, dismissal and punishment of subordinate ranks of the police force in certain cases.-- Notwithstanding anything contained elsewhere in this Act or in any rule, regulation or order made thereunder, all appointments made by the Inspector-General or any other authority subordinate to him, all orders of dismissal or removal from office passed by any such authority, not being an authority subordinate to the authority by which the respective appointments were made, and all orders inflicting any other punishment passed by any authority, before the commencement of the Police (West Bengal Amendment) Act, 1963, in respect of the subordinate ranks of the police force shall be deemed to be, and to have always been, validly passed."

#### **5. Insertion of new section 34A :-**

After section 34 of the said Act, the following, section shall be inserted, namely :-

"34A. Power to prohibit, restrict, regulate or impose conditions on the use of microphones, etc.-(1) If, in the opinion of the Magistrate of the district or any Sub-divisional Magistrate or Magistrate of the first class, it is necessary so to do for the purpose of preventing

annoyance to, or injury to the health of, the public or any section thereof, or for the purpose of maintaining public peace and tranquility, he may, by order, prohibit, restrict, regulate or impose conditions on, the use or operation, in any area within his jurisdiction or in any vehicle within such area, of microphones, loudspeakers or other apparatus for amplifying human voice or for amplifying music, or other sounds.

(2) The State Government may, on its own motion or on the representation of any person or persons aggrieved, modify, alter or cancel any order made under sub-section (1).

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

(4) A police-officer, who seizes any microphone, loudspeaker or other apparatus under sub-section (3), 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 police-officer of the police-station within the limits of which the vehicle is seized, not below the rank of 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 (5).

(5) Any person who contravenes any order made by the Magistrate of the district or any Sub-divisional Magistrate or Magistrate of the first class under sub-section (1) or any such order as modified or altered by the State Government under sub-section (2) shall, on conviction before a Magistrate, be liable to 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 (3) or any vehicle seized under sub-section (4) or released under the proviso to that sub-section.

(6) 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."

## **6. Repeal and savings :-**

(1) The Police (West Bengal Amendment) Ordinance, 1963, is hereby repealed.

(2) Anything done or any action taken under the said Act as amended by the Police (West Bengal Amendment) Ordinance, 1963, shall be deemed to have been validly done or taken under the said Act as amended by this Act as if this Act had commenced on the 18th day of October, 1963.