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PART III—Acts of the West Bengal Legislature.

GOVERNMENT OF WEST BENGAL

LAW DEPARTMENT

Legislative

NOTIFICATION

No. 354-L.—10th April, 2023.—The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information:—

West Bengal Act VI of 2023

**THE WEST BENGAL MAINTENANCE OF PUBLIC ORDER
(AMENDMENT) ACT, 2023.**

[Passed by the West Bengal Legislature.]

*[Assent of the Governor was first published in the Kolkata Gazette,
Extraordinary, of the 10th April, 2023.]*

An Act to amend the West Bengal Maintenance of Public Order Act, 1972.

WHEREAS it is expedient to amend the West Bengal Maintenance of Public Order Act, 1972, for the purposes and in the manner hereinafter appearing;

West Ben. Act
IX of 1972.

It is hereby enacted in the Seventy-fourth Year of the Republic of India, by the Legislature of West Bengal, as follows:—

Short title and
commencement.

1. (1) This Act may be called the West Bengal Maintenance of Public Order (Amendment) Act, 2023.

*The West Bengal Maintenance of Public Order
(Amendment) Act, 2023.*

(Sections 2 – 4.)

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Amendment of
section 2 of West
Ben. Act IX of
1972.

2. In clause (g) of section 2 of the West Bengal Maintenance of Public Order Act, 1972 (hereinafter to be referred as the principal Act), the following Explanations shall be added:—

“*Explanation I.*— The offence by the commission of which the property is suspected to have been stolen shall be deemed to be a ‘subversive act’ for the purpose of this clause.

Explanation II.— The circumstances which create reasonable suspicion that the property has been acquired, possessed, received, derived, obtained by any person by commission of any offence or by unlawful means shall also be deemed to be a ‘subversive act’ for the purpose of this clause.

Explanation III.— The word ‘property’ includes any property or an asset of every description, whether corporeal or incorporeal, movable or immovable, tangible or intangible and includes deeds and instruments evidencing title to, or interest in, such property or assets wherever located.”.

Amendment of
section 8.

3. After clause (e) of sub-section (1) of section 8 of the principal Act, the following clauses shall be inserted:—

“(f) any property entrusted to the State Government, a Local Authority, any Company, Corporation Body established by any Act, any Company owned or controlled by the State Government, and to any public servant;

(g) any property entrusted to any office where any duty in the discharge of which the State, the Public or the Community at large has an interest or any person who holds an office by virtue of which he is authorized or required to perform any public duty.”.

Amendment of
section 20.

4. after sub-section (4) of section 20 of the principal Act, the following sub-sections shall be inserted:—

“(5) The public servant duly authorized by the State Government in this behalf while submitting the report under sub-section (1) shall also forward a report to the State Government regarding details or value of the property, description of property derived or obtained by any person under this Act.

(6) The State Government after receipt of the information from the said public servant or otherwise, to the effect that the Jurisdictional Court or Magistrate having taken cognizance of the report submitted by the public servant under sub-section (5), if, after enquiry in the prescribed manner, has reason to believe (the reason for such belief to be recorded in writing), on the basis of material in its possession, that—

(a) any person is in possession of the property derived under sub-section (5);
and

*The West Bengal Maintenance of Public Order
(Amendment) Act, 2023.*

(Section 5.)

- (b) such property or value of the such property are likely to be concealed, transformed or dealt with in any manner prejudicial to the interest of State Government for providing compensation to the victim, for the purposes of maintenance of public order, revenue, public welfare, the State Government by notification in the *Official Gazette*, attach the said property for a period not exceeding one hundred and eighty days, from the date of publication of such notification;

(7) Save as otherwise specially provided in any other law, the attachment shall be made in the manner provided for attachment of property in execution of decree under Order XXI, Rules 43, 43A, 46, 47, 49, 50, 51 and 54 of the Code of Civil Procedure, 1908.” 5 of 1908.

Insertion of new
section after
section 20.

5. After section 20 of the principal Act, the following section shall be inserted:—

“Order of attachment
from appropriate
Court.

20A. (1) The State Government shall, within 60 days from the date of the publication of the notification under section 20, shall make an application, supported by an affidavit stating the ground on which the State Government has issued the said notification before the Jurisdictional Court or Magistrate, as the case may be, seeking the *ad-interim* order of attachment absolute or any such further order or orders which the said Jurisdictional Court or Magistrate shall deem fit and for proper custody of such property in the interest of justice.

(2) Upon receipt of such application the Jurisdictional Court or Magistrate, as the case may be, shall summon the person, whose property has been attached, to submit written objection, if any, as to why the order of attachment should not be made absolute and the property so attached be sold in public auction for realization of a fund for the purposes of payment of compensation to the victim, by framing scheme under this Act.

Explanation I.— For the purposes of this Act “victim” means a person who has suffered any loss or injury caused by reason of the act or omission for which the accused person has been charged.

Explanation II.— For the purposes of this Act, State shall also be deemed to be a victim whenever such situation arises.”.

By order of the Governor,

PRADIP KUMAR PANJA,
*Pr. Secy. to the Govt. of West Bengal,
Law Department.*