

ACT No. XXXVI OF 1855.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 21st December 1855.)

AN ACT to empower Officers of Customs and Land Revenue to search Houses and other enclosed places for contraband Salt in the North-Western Provinces.

WHEREAS the existing Laws do not empower Officers of Customs or Land Revenue in the North-Western Provinces of the Presidency of Bengal to search houses and other enclosed places for Salt manufactured or stored contrary to the provisions of Act XIV of 1843, and it is expedient to give them power to do so; It is enacted as follows :—

I. Whenever any Collector or other Officer of Customs or Land Revenue, not being under the grade of Assistant Patrol in the Customs department, or of Naib Tehseeldar in the Revenue department, receives credible information that, within his jurisdiction, Salt is unlawfully manufactured, in any dwelling-house, ware-house, or other enclosed place, or that Salt is unlawfully stored in any such house or place within the limits of Customs jurisdiction as defined by the Government of the North-Western Provinces of the Presidency of Bengal under the provision of Section III of Act XIV of 1843, he shall first record in writing the name, residence, and calling of the informant, the locality and description of the house or place where he believes the Salt to be manufactured or stored, and the name of the owner or occupant of such house or place, or the name of the person for or by whom such

Particulars to be recorded by Officer on receipt of information as to unlawful manufacture of Salt, &c.

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such Salt is manufactured or stored, and with respect to Salt stored the supposed quantity and description of such Salt, with the grounds for believing the same to be contraband.

Officer thereupon may summon Police and proceed to search a house for contraband Salt.

II. The said Officer, after recording the particulars aforesaid, may summon from the nearest Police Station a Police Officer, not being under the grade of a Jemadar, to attend him, and with such Police Officer and informant proceed to the said house or place, and in their presence search the same for Salt unlawfully manufactured or stored; provided that such search be not made between sunset and sunrise.

Proviso.

III. The said Officer, in company with such Police Officer, may break open the door or force an entry within the said house or place, if, upon requisition duly made, the door be not opened, or admission be refused, by the owner or occupant thereof.

Officer may break open doors.

IV. A forcible entry under the last preceding Section shall only be made in accordance with the rules and precautions prescribed by Regulation XX of 1817, and by Section X, Regulation V of 1800 (for the Benares Province), and Section XIX, Regulation XXVIII of 1803 (for the Ceded and Conquered Provinces), for breaking into a house for execution of process of distraint. Provided, however, that the responsibility for the act, and the determination whether to force an entry or not, shall rest with the Officer of Customs or Land Revenue only.

Rules regarding forcible entry.

Proviso.

V. No. Salt found stored in any house or place within the limits of Customs jurisdiction mentioned in Section I of this Act, not being Salt unlawfully manufactured thereat, shall be deemed contraband, unless the quantity found shall exceed five seers in weight.

What to be deemed contraband Salt.

VI. Whoever, being a Police Officer summoned under Section II, fails to attend himself or to depute a subordinate Police Officer, not being below the grade of a Jemadar, to attend, and any Police Officer who, after attending, refuses to aid

Penalty if Police Officer refuses or neglects to attend or aid in search or seizure.

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aid in the search for, or seizure of, contraband Salt, or in any way wilfully frustrates the object of the search or seizure, shall, on conviction before a Magistrate, be liable, besides being dismissed from office, to a fine equal to the amount of fine that would have been leviable on the owners or holders of the Salt, if it had been seized according to the information laid.

Penalty for vexatious search and for giving false information.
VII. Any Officer of Customs or Land Revenue, vested with power to carry into effect the provisions of this Act, who, under cover thereof, searches or causes to be searched any dwelling-house, ware-house, or other enclosed place, without reasonable grounds of suspicion that contraband Salt is there manufactured or stored, shall, upon conviction before the Magistrate within whose jurisdiction the offence may have been committed, be punished with fine not exceeding five hundred rupees, which fine, or any portion thereof, may be paid over to the party aggrieved, and, in default of payment of such fine, with imprisonment for a period not exceeding six months; and any person wilfully and maliciously giving false information, and so causing a search to be made in any dwelling-house, ware-house, or other enclosed place, to the injury or vexation of the owners, occupants, or any other person or persons whatsoever, shall, on conviction before a Magistrate, be liable to the same penalty and also to imprisonment for a period not exceeding two years, with or without hard labor.

Every case of search to be reported to superior Officers.
VIII. Every search under this Act, whether the result thereof be the seizure of contraband Salt or otherwise, shall be reported within forty-eight hours by the Officer of Customs or Land Revenue and by the Officer of Police present at the search to their respective official superiors.

What to be deemed a manufacture of Salt.
IX. The purification or refinement of impure Salt, obtained in the manufacture of Saltpetre, so as to produce alimentary Salt, shall be deemed a manufacture of Salt within the meaning of this Act and of Act XIV. 1843.