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PART IV—Bills introduced in the West Bengal Legislative Assembly; Reports of Select Committees presented or to be presented to that Assembly; and Bills published before introduction in that Assembly.

**GOVERNMENT OF WEST BENGAL**

**LAW DEPARTMENT**

**Legislative**

**NOTIFICATION**

No. 124-L.—10th February, 2023.—The Governor having been pleased to order, under rule 66 of the Rules

of Procedure and Conduct of Business in the West Bengal Legislative Assembly, the publication of the following Bill, together with the Statement of Objects and Reasons which accompanies it, in the *Kolkata Gazette*, the Bill and the Statement of Objects and Reasons are accordingly hereby published for general information:—

**Bill No. 3 of 2023**

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

**A**

**BILL**

*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:—

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) Bill, 2023.*

(Clauses 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) Bill, 2023.*

(Clause 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.”.

#### STATEMENT OF OBJECTS AND REASONS.

Consequent upon incidents of burning, looting, damage of properties in the State of West Bengal and agitational methods by a few anti-social elements to achieve their objects, it has been considered necessary and expedient to amend the West Bengal Maintenance of Public Order Act, 1972 (hereinafter referred to as the said Act) for deterrent punishment of such offences with a view to making the said Act more stringent.

2. The Bill, *inter alia*, contains provision for attachment of the property by an order from the appropriate Court for providing compensation to the victim for the purposes of maintenance of public order, revenue and public welfare.

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(Amendment) Bill, 2023.*

3. The Bill further provides provision for realisation of fund by selling in public auction the attached property under the said Act for the purposes of payment of compensation to the victim by framing a scheme under the said Act.

4. The Bill has been framed with the above objects in view.

5. There is no financial implication involved in giving effect to the provisions of this Bill.

KOLKATA:

*The 9th February, 2023.*

MAMATA BANERJEE,

*Member-in-charge.*

By order of the Governor,

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