

West Bengal Act XLVI of 1950

THE WEST BENGAL SECURITY (AMENDMENT) ACT, 1950.

[Passed by the West Bengal Legislature.]

[Assent of the President was first published in the *Calcutta Gazette, Extraordinary*, of the 5th November, 1950.]

An Act to amend the West Bengal Security Act, 1950.

WHEREAS it is expedient to amend the West Bengal Security Act, 1950, for the purposes and in the manner hereinafter appearing;

It is hereby enacted as follows:—

1. (1) This Act may be called the West Bengal Security (Amendment) Act, 1950.

Short title and commencement.

(2) Sections 2, 3, 5 and 6 shall come into force on the date on which the West Bengal Security (Amendment) Ordinance, 1950, and the West Bengal Security (Second Amendment) Ordinance, 1950, cease to operate; the rest of the Act shall come into force at once.

2. For clause (4) of section 2 of the West Bengal Security Act, 1950 (hereinafter referred to as the said Act), the following clause shall be substituted, namely:—

Amendment of section 2 of West Bengal Act XIX of 1950.

“(4) ‘prejudicial report’ means any report, statement or visible representation which undermines the security of the State or tends to overthrow the State;”.

3. In section 13 of the said Act,—

Amendment of section 13.

(a) for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) The State Government, if satisfied that the printing, publication, sale or distribution of any matter relating to a particular subject or class of subjects will undermine the security of the State or tends to overthrow the State, may by order addressed to a printer, publisher or editor, or to printers, publishers and editors generally,—

(a) require that any matter relating to such subject or class of subjects shall, before being published in any document or class of documents, be submitted for scrutiny to an authority specified in the order;

(b) prohibit or regulate the printing, publication, sale or distribution of any document or class of documents containing any matter relating to such subject or class of subjects;

Order to be signed before the West Bengal Act XLVI

(c) prohibit or regulate the use of any press, as defined in the Indian Press (Emergency Powers) Act, 1931 for the purpose of printing any document or class of documents containing any matter relating to such subject or class of subjects.”;

XXIII of 1931.

(b) in sub-section (2), for the words, brackets and figures “published or made in contravention of such order and any press, as defined in the Indian Press (Emergency Powers) Act, 1931, used in the making of such document” the following words, brackets and figures shall be substituted, namely:—

“printed, published, sold or distributed in contravention of such order and any press, as defined in the Indian Press (Emergency Powers) Act, 1931, used for the purpose of printing such document.”.

Insertion
of new
section
21A.

4. After section 21 of the said Act, the following section shall be inserted, namely:—

“21A. (1) The Commissioner of Police in Calcutta and the District Magistrate elsewhere may, subject to the control of the State Government, direct a person in respect of whom an order under clause (a) of sub-section (1) of section 21 has been made that such person shall—

- (a) permit himself to be photographed;
- (b) allow his finger and thumb impressions to be taken;
- (c) furnish specimens of his handwriting and signature; and
- (d) attend at such times and places as may be necessary for all or any of the foregoing purposes

and such person shall comply with such direction.

Explanation.—In this sub-section ‘Calcutta’ has the same meaning as in section 17.

(2) If any person fails to comply with or attempts to avoid any direction given under sub-section (1) he shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.”.

Substitu-
tion of new
section for
section 38.

5. For section 38 of the said Act, the following section shall be substituted, namely:—

“38. The State Government may, by notified order, direct that any power or duty which is conferred or imposed by any provision of this Act upon the State Government shall, in such circumstances and under such conditions, if any, as may be specified in the direction be exercised or discharged in Calcutta, also by Delegation of powers and duties of the State Government.

(Section 6.)

the Commissioner of Police, the First Land Acquisition Collector or the Second Land Acquisition Collector, and elsewhere, also by the District Magistrate, an Additional District Magistrate or a Special Land Acquisition Officer.

Explanation.—In this section 'Calcutta' has the same meaning as in section 17.”.

6. (1) Any order made, any action taken or anything whatsoever done under the said Act, as amended by the West Bengal Security (Amendment) Ordinance, 1950, shall, on the said Ordinance ceasing to operate, be deemed to have been made, taken or done under the said Act as amended by this Act as if this Act had commenced on the 14th day of August, 1950.

Savings
and
validation.

(2) Any direction made, any action taken or anything whatsoever done under the said Act as amended by the West Bengal Security (Second Amendment) Ordinance, 1950, shall, on the said Ordinance ceasing to operate, be deemed to have been made, taken or done under the said Act as amended by this Act as if this Act had commenced on the 18th day of September, 1950.

(3) Notwithstanding any law to the contrary, any order made or deemed or purported to have been made, or any notification issued or deemed or purported to have been issued, or any direction given or deemed or purported to have been given, under any provision of the said Act, by—

- (i) the Commissioner of Police, Calcutta, or
- (ii) the First Land Acquisition Collector, Calcutta, or
- (iii) the Second Land Acquisition Collector, Calcutta, or
- (iv) a District Magistrate, or
- (v) an Additional District Magistrate, or
- (vi) the Special Land Acquisition Officer, Alipore, 24-Parganas,

in exercise or discharge or the purported exercise or discharge of any power or duty, in pursuance of any notified order made or deemed or purported to have been made by the State Government, under section 38 of the said Act as in force immediately before the commencement of the West Bengal Security (Second Amendment) Ordinance, 1950, shall be deemed to be and to have always been valid.