

West Bengal Act XXXII of 1951

THE WEST BENGAL SECURITY (AMENDMENT) ACT. 1951.

[Passed by the West Bengal Legislature.]

[Assent of the President was first published in the *Calcutta Gazette, Extraordinary*, of the 13th November, 1951.]

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

West Ben.
Act XIX
of 1950.

WHEREAS it is expedient further 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, 1951.

Short title
and com-
mence-
ment.

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

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

Amend-
ment of
section 2
of West
Bengal Act
XIX of
1950.

“(4) ‘prejudicial report’ means any report, statement or visible representation which prejudicially affects or which tends to impair the interests of

- (i) the security of the State,
- (ii) the public order,
- (iii) decency or morality,
- (iv) the friendly relations with any foreign State,

or which incites or tends to incite the commission of any offence;”.

3. In section 6 of the said Act,—

Amend-
ment of
section 6.

(1) in sub-section (2), after the words “State Government”, the words “or of any authority or person authorised by the State Government in this behalf” shall be inserted;

(2) in sub-section (3), after the words “State Government”, the words “, or the authority or the person referred to in sub-section (2), as the case may be” shall be added.

2 *The West Bengal Security (Amendment) Act, 1951.*

[West Ben. Act XXXII of 1951.]

(Sections 4, 5.)

Renumber-
ing and
amend-
ment of
section
21A and
insertion
of new
section.

4. (1) Section 21A of the said Act shall be renumbered as section 21B and before that section as so renumbered, the following section shall be inserted, namely:—

“Advisory Board. 21A. (1) The State Government

shall specify in every order made under sub-section (1) of section 21, the grounds for the order; and the person in respect of whom the order is made shall be entitled to send a representation to the State Government against the order so as to reach the State Government within three weeks of the date of the order.

(2) Every representation under sub-section (1) shall, within one week of the receipt thereof, be placed by the State Government before an Advisory Board constituted under sub-section (6).

(3) The Advisory Board, after considering the representation under sub-section (1) as well as any materials placed before it by the State Government, and, if necessary, after calling for such further information from the State Government or from the person in respect of whom the order was made, shall report to the State Government within one month of the date of the order, whether or not in its opinion there is sufficient cause for the order.

(4) If the Advisory Board is of opinion that sufficient cause does not exist for the order, the State Government shall forthwith cancel the order.

(5) If the Advisory Board is of opinion that there is sufficient cause for the order, the order shall continue for a period of six months from the date of the order, unless cancelled earlier.

(6) The State Government shall, for the purpose of this section, constitute one or more Advisory Boards; every such Advisory Board shall consist of three members appointed by the State Government, two of whom shall be persons who are or have been or are qualified to be appointed as judges of a High Court.

(7) Where there is a difference of opinion among the members of an Advisory Board, the opinion of the majority of such members shall be deemed to be the opinion of the Board.”

(2) In sub-section (1) of the section renumbered as section 21B by sub-section (1), for the words “subject to the control of the State Government” the words “if so required by the State Government” shall be substituted.

5. Section 22 of the said Act shall be omitted.

Omission
of section
22.