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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. 108-L.—2nd February, 2017.—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. 1 of 2017**

**THE WEST BENGAL MAINTENANCE OF PUBLIC ORDER  
(AMENDMENT) BILL, 2017.**

**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 Sixty-eighth 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, 2017.

(2) It shall come into force at once.

*The West Bengal Maintenance of Public Order  
(Amendment) Bill, 2017.*

(Clause 2.)

Insertion of new chapter IVA after Chapter IV in West Ben. Act IX of 1972.

2. After chapter IV of the West Bengal Maintenance of Public Order Act, 1972, the following chapter shall be inserted:—

“CHAPTER IVA

**Mischief and Compensation**

Punishment for committing mischief in respect of property. **15A.** Whoever,—

(a) commits, instigates, incites or otherwise abets the commission of mischief within the meaning of section 425 of the Indian Penal Code, 1860 and causes loss or damage to any property; or

45 of 1860.

(b) causes loss or damage to any property in any area during the period when an assembly of five or more persons in such area is prohibited by or under any law for the time being in force, or when such assembly is deemed as an unlawful assembly under section 141 of the Indian Penal Code, 1860,

shall be punishable with imprisonment for the term as prescribed in the Indian Penal Code, 1860, for the respective offences.

Compensation in addition to punishment. **15B.** Notwithstanding anything contained under section 15A, a person committing offence of mischief shall also be liable to pay the compensation to the extent of damage caused to the property as may be determined by the court.

Power of State Government to impose collective compensation. **15C.** (1) If, after enquiry in the prescribed manner, the State Government is satisfied that the inhabitants of any area are concerned in, or abetting or instigating, the commission of an offence punishable under section 15A or harbouring persons concerned in the commission of the said offence or failing to render all assistance in their power to discover or apprehend the offender or offenders or suppressing material evidence of the commission of such offence, the State Government may, by notification in the *Official Gazette*, impose a collective compensation on such inhabitants and apportion such compensation amongst the inhabitants in such manner as may be prescribed:

Provided that the compensation so apportioned shall not be recovered from any of the inhabitants until the petition, if any, filed by him under sub-section (3) is disposed of.

(2) The notification made under sub-section (1), shall be proclaimed in the area by beat of drum or in such other manner as the State Government may think best in the circumstances to bring the imposition of the collective compensation to the notice of the inhabitants of the said area.

(3) (a) Any person aggrieved by the imposition of the collective compensation or by the order of apportionment under sub-section (1), may, within thirty days of the notification, file a petition before the State Government or such other authority as it may specify in this behalf for being exempted from such compensation or for modification of the order of apportionment. No fee shall be charged for filing such petition.

*The West Bengal Maintenance of Public Order  
(Amendment) Bill, 2017.*

*(Clause 2.)*

(b) The State Government or the authority specified by it shall, after giving to the petitioner a reasonable opportunity of being heard, pass such order as it may think fit:

Provided that the amount of compensation exempted or reduced under this sub-section shall not be realisable from any other person, and the total compensation imposed on the inhabitants of the area under sub-section (1) shall be deemed to have been reduced by that extent.

(4) Notwithstanding anything contained in sub-section (3), the State Government may exempt any of the inhabitants who have suffered loss or damage to their property in the manner stated in section 15A from the liability to pay the collective compensation imposed under sub-section (1) or any portion thereof.

(5) The State Government may, after such enquiry as it may consider necessary determine the amount of compensation which in its opinion may be paid to the person or persons who suffered loss or damage as aforesaid and pay the same out of the collective compensation and compensation collected under this Act.

(6) The portion of collective compensation payable by any person may be recovered by the State Government by certificate under the Bengal Public Demands Recovery Act, 1913.”

Ben. Act III of  
1913.

**STATEMENT OF OBJECTS AND REASONS.**

Consequent upon the incidents of burning, looting, damage of properties in the State of West Bengal and agitational methods by 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 (West Ben. Act IX of 1972) for deterrent punishment of such offences and to impose payment of compensation to the extent of damage caused to the property on the person committing such offence and also impose payment of collective compensation on the inhabitants or other persons concerned or otherwise involved in their commission and to apportion among them the loss or damage sustained.

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

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

KOLKATA,  
*The 31st January, 2017.*

MAMATA BANERJEE,  
*Member-in-charge.*

By order of the Governor,

MADHUMATI MITRA,  
*Secy. to the Govt. of West Bengal,  
Law Department.*