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PART II—Section 1

प्राधिकार से प्रकाशित

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No. 68] NEW DELHI, WEDNESDAY, NOVEMBER 6, 1968/KARTIKA 15, 1890

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW

(Legislative Department)

New Delhi, the 6th November 1968/Kartika 15, 1890 (Saka)

The following President's Act is published for general information:—

**THE CALCUTTA POLICE AND THE CALCUTTA
SUBURBAN POLICE (AMENDMENT) ACT, 1968**

No 29 OF 1968

Enacted by the President in the Nineteenth Year
of the Republic of India

An Act further to amend the Calcutta Police Act, 1866 and the
Calcutta Suburban Police Act, 1866

In exercise of the powers conferred by section 3 of the West Bengal State Legislature (Delegation of Powers) Act, 1968, the President is pleased to enact as follows:—

PART I

PRELIMINARY

1 This Act may be called the Calcutta Police and the Calcutta Suburban Police (Amendment) Act, 1968

PART II

AMENDMENTS TO THE CALCUTTA POLICE ACT, 1866

Amendment of section 3 2 In section 3 of the Calcutta Police Act, 1866 (hereinafter referred to as the Calcutta Police Act), in the paragraph relating to the definition of "Police-officer", for the words "and shall include the Commissioner of Police and a Deputy Commissioner of Police", the words "and shall include the Commissioner of Police, an Additional Commissioner of Police, a Joint Commissioner of Police, a Deputy Commissioner of Police and an Assistant Commissioner of Police" shall be substituted. Bengal Act IV of 1866

Substitution of new section for section 5 3. For section 5 of the Calcutta Police Act, the following section shall be substituted, namely:—

Appointment of Additional, Joint, Deputy and Assistant Commissioners of Police

"5 (1) The State Government may, from time to time appoint one or more Additional, Joint, Deputy or Assistant Commissioners of Police, who shall be competent to perform, exercise and discharge such of the duties, powers and functions of the Commissioner of Police as are assigned under his orders to any such Additional, Joint, Deputy or Assistant Commissioner of Police.

(2) An Additional Commissioner of Police shall be subordinate to the Commissioner of Police, a Joint Commissioner of Police shall be subordinate to the Additional Commissioner of Police, a Deputy Commissioner of Police shall be subordinate to the Joint Commissioner of Police and an Assistant Commissioner of Police shall be subordinate to the Deputy Commissioner of Police."

Amendment of section 7 4. In section 7 of the Calcutta Police Act, in the second paragraph, for the words "The deputies to the Commissioner of Police may be appointed Justices of the Peace", the words "Any Additional, Joint or Deputy Commissioner of Police may be appointed as a Justice of the Peace" shall be substituted.

Amendment of section 9B. 5. In section 9B of the Calcutta Police Act, in the proviso to sub-section (1), for the words "to one of his deputies", the words "to any Additional, Joint, Deputy or Assistant Commissioner of Police" shall be substituted.

Amendment of section 20A 6 In section 20A of the Calcutta Police Act,—

(a) in the proviso to sub-section (2), for the words "to any Deputy Commissioner of Police", the words "to any Additional,

Joint, Deputy or Assistant Commissioner of Police" shall be substituted;

(b) in sub-section (5), for the words "the Deputy Commissioner of Police", the words "the Additional, Joint, Deputy or Assistant Commissioner of Police" shall be substituted.

7. Section 39 of the Calcutta Police Act shall be re-numbered as sub-section (1) thereof, and,— Amendment
of section
39

(a) to sub-section (1) as so re-numbered, the following proviso shall be added, namely:—

"Provided that the said Commissioner may, by order, refuse to grant any licence under this sub-section, if, for reasons to be recorded in writing, he is of the opinion that—

(i) the character or antecedents of the applicant for such licence or the nature of the trade or calling pursued by him, make him unsuitable for the grant of such licence; or

(ii) the location of the house or place of public resort and entertainment in respect of which such licence is required is unsuitable for the grant of such licence on the ground of congestion of traffic, want of adequate space for parking vehicles or difficulty in maintaining public peace, order or safety or on any other similar grounds.";

(b) after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

"(2) Any person aggrieved by an order refusing to grant a licence under the proviso to sub-section (1) may, within thirty days from the date of such order, prefer an appeal against such order to the State Government and the State Government may, after giving the appellant an opportunity of being heard, confirm, modify or set aside such order."

PART III

AMENDMENTS TO THE CALCUTTA SUBURBAN POLICE ACT, 1866

Bengal Act
11 of 1866

8. In section 3B of the Calcutta Suburban Police Act, 1866 (hereinafter referred to as the Suburban Police Act), in the proviso to sub-section (1), for the words "to one of his deputies", the words "to any Additional, Joint, Deputy or Assistant Commissioner of Police" shall be substituted. Amendment
of section
3B.

Amendment
of section
14A.

9. In section 14A of the Suburban Police Act,—

(a) in the proviso to sub-section (2), for the words “to any Deputy Commissioner of Police”, the words “to any Additional, Joint, Deputy or Assistant Commissioner of Police” shall be substituted;

(b) in sub-section (5), for the words “the Deputy Commissioner of Police”, the words “the Additional, Joint, Deputy or Assistant Commissioner of Police” shall be substituted.

Amendment
of section
22.

10 Section 22 of the Suburban Police Act shall be re-numbered as sub-section (1) thereof, and,—

(a) to sub-section (1) as so re-numbered, the following proviso shall be added, namely,—

“Provided that the said Commissioner may, by order, refuse to grant any licence under this sub-section, if, for reasons to be recorded in writing, he is of the opinion that —

(i) the character or antecedents of the applicant for such licence, or the nature of the trade or calling pursued by him, make him unsuitable for the grant of such licence; or

(ii) the location of the house or place of public resort and entertainment in respect of which such licence is required is unsuitable for the grant of such licence on the ground of congestion of traffic, want of adequate space for parking vehicles or difficulty in maintaining public peace, order or safety or on any other similar grounds.”;

(b) after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

“(2) Any person aggrieved by an order refusing to grant a licence under the proviso to sub-section (1) may, within thirty days from the date of such order, prefer an appeal against such order to the State Government and the State Government may, after giving the appellant an opportunity of being heard, confirm, modify or set aside such order.”

Amendment
of section
50.

11. In section 50 of the Suburban Police Act, for the words “A Deputy Commissioner of Police”, the words “The Additional, Joint, Deputy or Assistant Commissioner of Police” shall be substituted.

Amendment
of section
51.

12. In section 51 of the Suburban Police Act, in the paragraph relating to the definition of “Police-officer”, for the words “and shall

include the Commissioner of Police and a Deputy Commissioner of Police", the words "and shall include the Commissioner of Police, an Additional Commissioner of Police, a Joint Commissioner of Police, a Deputy Commissioner of Police and an Assistant Commissioner of Police" shall be substituted.

ZAKIR HUSAIN,
President.

V. N. BHATIA,
Secy. to the Govt. of India.

Reasons for the enactment

The Calcutta Police Act, 1866, and the Calcutta Suburban Police Act, 1866, provide for the appointment of only Commissioner of Police and Deputy Commissioners of Police. In the course of these long years, the volume and complexity of work in the Calcutta Police Directorate has increased manifold. Normal growth of population, influx of displaced persons, rise in vehicular traffic, growth of industrial establishments, increase in crime, frequent disturbances and augmentation of police force from time to time have put a heavy strain on the Commissioner of Police. It is, therefore, necessary to create some superior posts of Police officers who may assist the Commissioner of Police in his work. Recently a Joint Commissioner has had to be appointed in order to cope with the emergencies that have arisen in Calcutta. It may also be necessary in future to appoint an Additional Commissioner in the Calcutta Police. Delegation of statutory powers to the Assistant Commissioners of Police has also become necessary.

2. In view of the above, it is considered expedient to amend the two Acts mentioned above to provide for the appointment of Additional, Joint and Assistant Commissioners of Police.

3. It is also considered necessary to amend section 39 of the Calcutta Police Act, 1866, and section 22 of the Calcutta Suburban Police Act, 1866, so as to empower the Commissioner of Police,

Calcutta, to refuse to grant police licence to the keepers of hotels or places of public entertainment taking into consideration the character and antecedents of the applicant, the nature of trade carried on by him and the location of the site from different aspects, namely, traffic problems, preservation of public peace and order and securing public safety.

4. This enactment is intended to achieve the above objects.

5. The Committee constituted under the proviso to sub-section (2) of section 3 of the West Bengal State Legislature (Delegation of Powers) Act, 1968 (6 of 1968) has been consulted before the enactment of this measure as a President's Act.

L. P. SINGH,
Secy. to the Govt. of India.
Ministry of Home Affairs