

Bengal Act V of 1942

THE BENGAL TOUTS ACT, 1942.

Wesi Ben. Act XIX of 1949.

RÉPGALLD IN PART

The Indian Independents
(Adaptation of Bengal and
Punjab Acts) Order, 1948.

AWAITED

The Adaptation til" Laws
Order, 1950.

[Jilt June. 1942.]

An Act for she suppression of lotus in Can lis and ceiiaim offices in Bengal.

WiiERIAS it is expedient to make better provision Tor regulating the employment of clerks nf Legal Practitioners and for the suppression of touts in Courts ant) certain offices in Bengal and to that end to amend the Legal Practitioners Aei, 1879, tlie fndian Regi. stration Act, 1908, and the Workmen's Compensation Ael, 1923, in their application to Bengal, and also to amend the Bengal Village Self-Government Acl, 1919, the Bengal Wakf Acl, 1934, and the Bengal Agricultural Debtors Acl, S935-. in llie manner herein;;Tier appearing;

It is hereby enacted as follows:ô

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IS79.
XVI of
1908. VIII
nr 1923.
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1, (1) This Act may bo called the Ben sal Touts Act, 1942.

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and

(2) Il shall come into force, in whole or in part, on such dale as the commence-
?[Siaie] Government may, by notification in the *Official Gazeisc*,
appoint, rⁿLⁿl and for this purpose different dates may he appointed Tor
different provisions of this Act.

2. The Legal Practitioners Acl, 1879. the Indian Registration Acl, 1908,
and the Workmen's Compensation Acl, 1923, shall, in their application to
^West Bengal], be amended in the manner provided in this Act.

The Bengal Touts Act, ! 942.

Amend mem of
the Legal
Practitioner^
Act. IS79, (he
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1908, and the
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Workmen's Co
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Act V !

(Sections 3-6.)

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3. After clause (b) in the definition ol' "tout" in section 3 of the .
i Legal Practitioners Act, 1879, the following word and clause shall be I added,
namely:ô ' "

"or

(c) who is declared id he deemed to be a tout for the purposes of this

Act by rules made by the High Court or the Chief Controlling Revenue-Authority, as the case may be, under section 31 A."

4. A Tier clause (c) of section 13 of the Legal Practitioners Act, 1879, the following clause shall be inserted, namely:—

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"(ee) who knowing that a person has not a licence under section 31A employs such person as a clerk, or".

5. After clause (d) of section 22 of the Legal Practitioners Act, 1879, the following clause shall be inserted, namely:—

Amendment
gsecLion 13
ofActXVIII
of 1
S7).

"(dd) who knowing that a person has not a licence under section 31A employs such person as a clerk, or".

6. Alter Chapter VI of the Legal Practitioners Act, 1879, the following chapter shall be inserted, namely:—

AmendmeiU of
seciirtn 22 of
Act XVIII
of1879.

"CHAPTER VIA

Of clerks of Advocates, Vakils, Anumeys, Pleaders, Mukiears and Revenue-agents.

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31 A. (1) The High Court may, from time to time, make rules consistent with this Act as in the following matters, namely:—

(a) the employment of clerks of Advocates, Vakils, Attorneys, Pleaders and Mukiears;

(b) the manner in which and the terms subject to which such clerks may be granted licences;

(c) the fees (if any) to be paid for such licences;

(d) the conditions under which persons acting as clerks of Advocates, Vakils, Attorneys, Pleaders and Mukiears without licences shall be deemed to be employed for the purposes of this Act.

{Sections 7. 8.)

(2) The Chief Controlling Revenue-Authority may, from time to time, make rules' consistent with this Act relating to the mailers specified in sub-section (1) in regard to clerks of Revenue-accounts.

(3) All rules made under this section shall be submitted to the [State] Government for approval, and, after they have been approved, they shall be published in the Official Gazette and on publication shall have effect as if enacted in this Act."

7. After sub-section (.6) of section 36 of the Legal Practitioners Act, 1957, the following sub-sections shall be added, namely: -

'*(7) Every person who having been excluded from the precincts of a Court under sub-section (4) enters or is found within the precincts of any Court without a written permission from the presiding officer of the Court shall be deemed to be acting as a tout within the meaning of sub-section (6):

Amendment in section 16 of Act XVIII of 1957.

Provided that this sub-section shall not apply where such person is a party to any case in the Court or has been directed to appear by any process of the Court.

(8) Any presiding officer of a Court may, by an order in writing, direct any person named in the order to arrest any such tout found within the precincts of the Court. Such tout may be arrested accordingly and shall be forthwith produced before the officer.

If the tout admits his offence the provisions of sections 480 and 481 of the Code of Criminal Procedure, 1958, shall be applicable, so far as may be, to his detention, trial and punishment.

If the tout does not admit his offence the provisions of section 482 of the said Code shall be similarly applicable to his detention, trial and punishment."

8. In section 2 of the Indian Registration Act, 1908. Amendment

- (1) like word "and" at the end of clause (9) shall be omitted: and or.
- (2) after clause (10) the following word and clause shall be added, namely:

"and

(11) 'tout' means a person

- (a) who habitually frequents the precincts of a registration office, without a licence granted to him under the rules made under section 80G, for the purpose of obtaining employment for himself or for any other person in connection with any registration business: or

(Section 9.)

(b) who is declared to be deemed to be a tout for the purposes of this Act by rules made under section 10G;"

Insertion of 9. Alter Part XIII of the Indian Registration Act, [1905, the following: Part XIII shall be inserted, namely:

XIII in Act
xviii 1905

"PART XIII

Of Touts.

Powers of SOA. (1) Every Registrar of a district as regards his publish lists and every subdivisional magistrate as regards the registration offices within his own jurisdiction may frame and publish lists of persons proved to his satisfaction or to the satisfaction of any Sub-Registrar as provided in section 10B. by evidence of general repute or otherwise, habitually to act as touts, and may, from time to time, alter and amend such lists.

(2) No person's name shall be included in any such list until he shall have had an opportunity of showing cause against such inclusion,

(3) Where the name of any person is included in a list framed and published by a subdivisional magistrate under this section, such person may, within thirty days of the publication of the list in which his name first appears, apply in writing to the Registrar of the district for the removal of his name from such list, and the orders of the Registrar, passed after such inquiry (if any) as he considers necessary, on such application shall be final.

Inquiry by SOA. Any Registrar of a district or subdivisional magistrate may send to any Sub-Registrar within the jurisdiction of such authority the name of any person alleged to be a tout, or suspected to be a tout, and request the Sub-Registrar to hold an inquiry in regard to such person; and the Sub-Registrar shall thereupon hold an inquiry into the conduct of that person and, after giving him an opportunity of showing cause as provided in subsection (2) of section 10B, shall report to the authority who has made the request whether the person has been proved to the satisfaction of the Sub-Registrar to be a tout; and that authority may include the name of any person who has been so proved to be a tout in the list of touts framed and published by him under subsection (1) of section 10B;

Provided that such authority shall hear any such person who, before his name has been so included, appears before him and desires to be heard.

Copy of every such list shall be kept in the office of every registration officer to which the same relates, and shall be open to inspection by any person on payment of the fee prescribed in this behalf by the rules made under section 10G.

of 1042.

(Section 9.)

SOD. A registering officer may, by general or special order, exclude from the
 precincts of his registration office any person whose name is included in any such
 list.

SOE. Every person who having been excluded from the precincts of a registration
 office under section SOD is found within the precincts of any registration office
 without written permission from the registering officer shall be acting as a tout for
 the purposes of section 82A:

Provided that this section shall not apply where such person is a
 party to a document intended for registration at such office or has been
 directed to appear by any process of the registering officer.

Any such person (SOF, (1) Any registering officer may, by an order in
 writing, direct any person named in the order to arrest any such tout found
 within the precincts of the registration office. Such tout may be arrested accordingly and
 shall be forthwith produced before the registering officer.

(2) If the tout admit his offence the provisions of sections 480 and 431 of the
 Code of Criminal Procedure, 1898, shall be applicable, so far
 as may be, to his detention, trial and punishment.

If the tout does not admit his offence the provisions of section 482 of the said Code
 shall be similarly applicable to his detention, trial and punishment.

(3) A registering officer shall be deemed to be a Civil Court for the purposes of
 sections 480, 481 and 482 of the said Code.

PART XIII B Of Deed-writers.

80G. (1) The Inspector-General shall have power, from time to time, to make rules consistent with (his
 powers) (a) prescribing the manner in which and the terms subject to which persons who write
 documents, outside the precincts of registration office, or who frequent the
 precincts of registration offices, for the purpose of writing documents, may be
 granted licences; (b) prescribing, the fees (if any) to be paid for such

[Ben. Act V of 1942.]

(Sections 10-19.)

- (c) declaring the conditions under which persons who write documents outside the precincts of registration offices without licences shall be deemed to be local for the purposes of this Act,".

10. After section 2 of the Indian Registration Act, 1908, (the following section shall be inserted, namely:—

Insertion of section 2A in Act XVI of 1908.

"Penally. 2A. Whoever acts as a local whilst his name is included in a list of touts framed and published under this Act shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both."

Amendment of section 83 of Act XVI of 1908.

11. In sub-section (2) of section 83 of the Indian Registration Act, 1908, for the word "Offences", the words, figure and letter "Save as provided in section 80F, offences" shall be substituted.

Insertion of new section 31A in Act XVII of 1923.

12. After section 31 of the Workmen's Compensation Act 1923, the following section shall be inserted, namely:—

"Application of section 36 of Act XVII of 1923 to local notices of the Commissioner."

Section 31A of Act XVII of 1923.

31 A. (1) The provisions of section 36 of the Legal Practitioners Act, 1879, shall, subject to the provisions of this section, be applicable, so far as may be, to the framing and publication of a list of local, to the exclusion of local included in the list from the precincts of the court of the Commissioner and to the arrest, detention, trial and punishment or such local.

(2) A Commissioner shall, for the purposes of the said section 36, be deemed to be an authority referred to in sub-section (1) of that section.

(3) For the purposes of this section 'tout' means—

- (a) a "tout" as defined in clause (a) of section 3 of the Legal Practitioners Act, 1879; or
- (b) a person who habitually frequents the precincts of the court of a Commissioner—
 - (i) for the purpose of procuring work as an agent under

section 24, or
(ii) otherwise than as a party to or a witness in any proceedings before the Commissioner or as a *bona fide* agent appointed under section 24."

13 to 19.—[*Repealed by s. 11 and the Second Schedule to the West Bengal Repealing and Amending Act, 1949 (West Ben. Act XIX of 1949).*]

¹ For the title and Objects and Reason, see the *Calcutta Chronicle*, dated the 2nd December, 1937. Pt. IVA, page 114; the Report of the Select Committee was presented on the 10th November, 1937; for Proceedings of the Assembly, see the Proceedings of the meetings of the Bengal Legislative Assembly held on the 15th February, 1938, 19th August and 22nd November, 1940, and the 7th April, 1941; for Proceedings of the Council, see the proceedings of the meeting of the Bengal Legislative Council held on the 25th July and 10th and 12th August, 1941.

The word "1935" in the Act was changed from "1935" to "1936" by s. 2 and I of the West Bengal Repealing and Amending Act, 1949 (West Ben. Act XIX of 1949).

This word was substituted for the word "Provincial" by paragraph 1(1) of the Adaptation of Laws Order, 1950.

² This Act came into force on the first day of November, 1949, by notification No. 3-116, dated the 1st September, 1941, published in the *Calcutta Gazette*, dated the 2nd September, 1941, part I, page 1454.

The words in square brackets were substituted for the word "Bengal" by para. (2) of An. 3 of the India, Independence (Adaptation of Bengal and Punjab Acts) Order, 1948.

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