



## The Howrah Offences Act, 1857

Act 21 of 1857

**Keyword(s):**

**Order and Good Government, Regulating Police, Conservancy and Improvement**

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Act XXI of 1857  
(The Howrah Offences Act, 1857.)

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Act XXI of 1857

(The Howrah Offences Act, 1857.)<sup>1</sup>

SHORT TITLE GIVEN	...	...	Act I of 1903.
			[ Act XVI of 1874. Act XII of 1891. Act I of 1903.
REPEALED IN PART	...	...	Ben. Act V of 1876. Ben. Act III of 1884. West Ben. Act XXXII of 1957.
AMENDED	...	...	[ Ben. Act IV of 1913. Ben. Act V of 1922.
ADAPTED	...	...	[ (a) The Government of India (Adaptation of Indian Laws) Order, 1937. (b) The Adaptation of Laws Order, 1950.

(10th July, 1857.)

An Act to make better provision for the order and good government  
\* \* \* \* \* of the station of Howrah.

WHEREAS Acts have been passed for regulating the police and for the conservancy and improvement of the town of Calcutta and of the other presidency-towns; and whereas large portions of<sup>2</sup> \* \* \* the station of Howrah are not less populous than parts of the said town, and it will conduce to the order and good government of the said<sup>3</sup> \* \* \* station that some of the provisions of the said Acts, with certain necessary modifications, should be extended to the said<sup>4</sup> \* \* \* station; It is enacted as follows :—

Preamble.

1. Whoever is charged with having committed any of the offences mentioned in this Act, within the limits of the said<sup>5</sup> \* \* \* station, as described in the schedule hereunto annexed, may be tried for any such offence by the magistrate within whose jurisdiction the offence is alleged to have been committed;

Cases under this Act by whom to be tried.

and, on conviction, may be sentenced by such Magistrate to the punishment hereinafter prescribed for the offence.

<sup>1</sup>Short Title.—This short title was given by the Amending Act, 1903 (I of 1903).  
<sup>2</sup>Local Extent.—This Act applies only to Howrah —see the title and preamble.  
<sup>3</sup>The words "of the suburbs of Calcutta and" which were repealed by the Repealing Act, 1874 (XVI of 1874), are omitted.  
<sup>4</sup>The words "the suburbs of the said town of Calcutta and of", in the preamble, were repealed, *ibid*.  
<sup>5</sup>The words "suburbs and" were repealed, *ibid*.  
<sup>6</sup>The words "suburbs or", were repealed, *ibid*.

## (Sections 2, 3.)

Possession of stolen property by one who fails to account satisfactorily for the possession.

Power to summon persons declared to have had possession of stolen property within the jurisdiction of the Magistrate.

Penalty if such possession fraudulent.

Apprehension and punishment of reputed thieves, etc.

2. *Clause 1.*—Whoever has in his possession, or conveys in any manner, anything which may be reasonably suspected of being stolen or fraudulently obtained, shall, if he fail to account satisfactorily how he came by the same, be liable to a penalty not exceeding one hundred rupees, or to imprisonment, with or without hard labour, for any term not exceeding three months.

*Clause 2.*—If any person, charged with having or conveying anything stolen or fraudulently obtained, shall declare that he received the same from some other person, or that he was employed as a carrier, agent or servant to convey the same for some other person,

the Magistrate may cause every such other person, and also, if necessary, every former or pretended purchaser or other person through whose possession the same shall have passed (provided that such other person shall be alleged to have had possession of the same within the jurisdiction of such Magistrate) to be brought before him and examined, and shall examine witnesses touching the same;

and if it appear to such Magistrate that any person so brought before him had possession of such thing, and had reasonable cause to believe the same to have been stolen or unlawfully obtained, such person shall be liable to a penalty not exceeding one hundred rupees, or to imprisonment, with or without hard labour, for any term not exceeding three months.

3. Any person found, between sunset and sunrise, armed with any dangerous or offensive instrument whatsoever, with intent to commit any offence against the person or property of another;

any reputed thief found, between sunset and sunrise, on board any vessel or boat, or lying or loitering in any *bazar*, street, road, yard, thoroughfare or other place, who shall not give a satisfactory account of himself;

any person found, between sunset and sunrise, having his face covered or otherwise disguised, with intent to commit any such offence as aforesaid;

any person found, between sunset and sunrise, in any dwelling-house or other building whatsoever, without being able satisfactorily to account for his presence therein;

and any person having in his possession, without lawful excuse (the proof of which excuse shall be on such person), any implement of house-breaking;

shall be liable to imprisonment, with or without hard labour, for a term not exceeding three months;

and any such person may be taken into custody by any police-officer without a warrant.

of 1857.]

(Sections 4—13.)

4 to 6. [*Penalty for carrying arms without authority; order for maintenance of wives or children; penalty for harbouring deserters from merchant-vessels.*]—Rep. by the Bengal Municipal Act, 1884 (Ben. Act III of 1884).

7. On the complaint of three or more householders that a house in their immediate neighbourhood is used as a common brothel or lodging-house for prostitutes or disorderly persons of any description, to the annoyance of the respectable inhabitants of the vicinity, the Magistrate may summon the owner or tenant of the house to answer the complaint;

Brothels.

and on being satisfied that the house is so used, and is therefore a source of annoyance and offence to the neighbours, may order the owner or tenant to discontinue such use of it;

and, if he shall fail to comply with such order within five days, may impose upon him a fine to the extent of twenty-five rupees for every day thereafter that the house shall be so used.

8, 9. [*Licenses for retail sale of spirituous or fermented liquors.*]—Rep. by the Bengal Municipal Act, 1884 (Ben. Act III of 1884).

10. [*Penalty for owning or keeping, or having charge of a gaming-house, etc.*]—Rep. by s. 18 (c) of the West Bengal Gambling and Prize Competitions Act, 1957 (West Ben. Act XXXII of 1957).

11. [*Penalty for being found playing in a gaming-house.*]—

Rep. by s. 18 (c) of the West Bengal Gambling and Prize Competitions Act, 1957 (West Ben. Act XXXII of 1957.)

12. [*Magistrate may authorize certain police-officers to enter a gaming-house for the purpose of search and seizure.*]—Rep. by s. 18 (c) of the West Bengal Gambling and Prize Competitions Act, 1957 (West Ben. Act XXXII of 1957).

13. [*On conviction for keeping a gaming-house, instruments of gaming to be destroyed, etc.*]—Rep. by s. 18 (c) of the West Bengal Gambling and Prize Competitions Act, 1957 (West Ben. Act XXXII of 1957).

(Sections 14—20.)

14. [Portion of fine may be paid to informer.]—Rep. by s. 18(c) of the West Bengal Gambling and Prize Competitions Act, 1957 (West Ben. Act XXXII of 1957).

15. [Gambling in the streets.]—Rep. by s. 18 (c) of the West Bengal Gambling and Prize Competitions Act, 1957 (West Ben. Act XXXII of 1957).

15A. [Exemption of games of mere skill.]—Rep. by s. 18 (c) of the West Bengal Gambling and Prize Competitions Act, 1957 (West Ben. Act XXXII of 1957).

16, 17. [Pawnbrokers, etc., to report stolen property, pawnbrokers, etc., when to be deemed receivers of stolen goods.]—Rep. by the Bengal Municipal Act, 1884 (Ben. Act III of 1884).

Manufacture  
or possession  
of gunpowder.

18. Whoever manufactures gunpowder,

or, without a license from the Magistrate, has in his possession in any house, shop, warehouse or other building, at any one time, a greater quantity of gunpowder than ten pounds,

shall be liable to a fine not exceeding two hundred rupees, and also to forfeit such gunpowder so manufactured or processed, together with the vessel or receptacle in which it may be contained.

Licenses  
by Magistrate  
for sale  
and deposit  
of gunpowder.  
etc.

19. The Magistrate may grant to any person a license for the sale or keeping in deposit of any quantity of gunpowder not exceeding fifty pounds on such conditions, and for such term not exceeding one year, as shall be specified in the license;

and any person who shall be guilty of a breach of any of such conditions shall be liable to a fine not exceeding one hundred rupees, and to forfeit all gunpowder so kept in deposit contrary thereto, and the vessels containing it, and also to forfeit his license.

Penalty for  
drunkenness,  
or riotous or  
indecent  
behaviour  
in public.

20. Whoever is found drunk and incapable of taking care of himself or is guilty of any riotous or indecent behaviour in any street or thoroughfare or in any place of public amusement or resort,

and whoever is guilty of violent behaviour in any police-office,

shall be liable to a fine not exceeding twenty rupees, or to imprisonment, with or without hard labour, for a term not exceeding fourteen days.

of 1857.)

(Sections 21—32.)

21. Whoever wilfully and indecently exposes his person, or commits a nuisance by easing himself in or by the side of or near to any public street or thoroughfare or place, shall be liable to a fine not exceeding ten rupees, or, in default of payment thereof, to imprisonment, with or without hard labour, for a term not exceeding fourteen days.

Penalty for committing nuisance in streets.

22. Whoever, in any public road, street, thoroughfare or place, begs or applies for alms, or exposes or exhibits any sores, wounds, bodily ailment or deformity with the object of exciting charity or of obtaining alms,

Beggars.

or whoever seeks for or obtains alms by means of any false statement or pretences,

shall be liable to imprisonment, with or without hard labour, for any term not exceeding one month.

23. Whoever, in any public street, road, thoroughfare or place of public resort, commits any of the following offences, shall be liable to a fine not exceeding twenty rupees :—

Penalty for the following offences in public streets, etc.—  
furious or negligent driving or riding :  
letting loose horses, ferocious dogs, etc :

(i) Whoever drives or rides any animal or drives any vehicle in a manner so rash or negligent as to indicate a want of due regard for the safety of others :

(ii) Whoever negligently lets loose any horse, or suffers to be at large any ferocious dog without a muzzle, or sets on or urges any dog or other animal to attack, worry or put in fear any person, horse or other animal :

(iii) Whoever, being in charge of a cart, carriage or horse, leaves it at such a distance as not to have the same under due control :

leaving cart, etc., without control :

(iv) Whoever fastens any animal so as to cause obstruction or danger to passengers :

obstruction to passengers by fastening animals :

(v) Whoever cruelly beats, abuses or tortures any animal :

ill-treating animals :

(vi) Whoever sets fire to or burns any straw or other matter, or lights any bonfire, or wantonly discharges any firearm or air-gun, or lets off or throws any firework, or sends up any fire-balloon.

lighting fires and discharging guns, fireworks, etc.

24. [Beating drums, tomtoms, etc.]—Rep. by the Bengal Municipal Act, 1884 (Ben. Act III of 1884).

25 to 32. [Penalty for depositing dirt on street, etc.; allowing sewerage to flow on street; future obstructions in street; taking up pavement; removal of projections from houses; houses projecting to be set back when taken down; power to trim hedges bordering on roads.]—Rep. by the Bengal Municipal Act, 1876 (Ben. Act V of 1876).

(Sections 33—53.)

33 to 37. [*Houses in dangerous state; sale of materials of such houses; penalty for not removing filth; filthy houses, etc.; filthy cattle-stalls, etc.*]—Rep. by the Bengal Municipal Act, 1884 (Ben. Act III of 1884).

38. [*Licensing of public necessities.*]—Rep. by the Bengal Municipal Act, 1876 (Ben. Act V of 1876).

39. [*Neglecting private drains, etc.*]—Rep. by the Bengal Municipal Act, 1884 (Ben. Act III of 1884).

40 to 45. [*Penalty for fouling water; power to fill up unwholesome tanks; power to drain off stagnant pools; penalty for not lighting deposits of building materials or excavations; enclosing of dangerous places; penalty for establishing slaughter-houses without license.*]—Rep. by the Bengal Municipal Act, 1876 (Ben. Act V of 1876).

46. [*Unclean slaughter-houses.*]—Rep. by the Bengal Municipal Act, 1884 (Ben. Act III of 1884).

47 to 50. [*Offensive trades; burial and burning grounds; stray dogs.*]—Rep. by the Bengal Municipal Act, 1876 (Ben. Act V of 1876).

Police-officer may arrest without warrant on view of offence.

51. Any police-officer may arrest without a warrant any person committing in his view any offence against this Act, if the name and address of such person be unknown to him.

Police-officer may take into custody, without warrant, persons charged with aggravated assault recently committed.

52. Any police-officer may take into custody, without a warrant, any person who is charged with committing an aggravated assault, in every case in which he shall have good reason to believe that such assault has been committed although not in his view, and that, by reason of the recent commission of the offence, a warrant could not have been obtained for the apprehension of the offender.

Persons taken into custody by a police-officer, without warrant, may be detained in police-office until brought before Magistrate or bailed.

53. Every person taken into custody without a warrant by a police-officer under this Act shall be taken to the nearest police-office, in order that such person may be detained until he can be brought before the Magistrate, or until he shall enter into recognizances, with or without sureties for his appearance before the Magistrate.

Any person so detained and not entering into recognizances shall be carried before the Magistrate within twenty-four hours from the time of his being taken into custody.



of 1857.]

(Sections 54—59.)

54. Upon any information or complaint laid before the Magistrate of any offence committed against this Act, the Magistrate may summon the person charged to appear at a time to be mentioned in the summons, or, if he sees sufficient cause for so doing, may issue a warrant for his apprehension.

Procedure on information or complaint laid before the Magistrate of an offence against this Act.

1\* \* \* \* \*

In all cases of offences punishable with fine only, if after due service of summons the person charged shall not appear in pursuance thereof, the Magistrate, at his discretion, may hear and determine the case in his absence.

2\* \* \* \* \*

55. [Recovery of costs or expenses.]—Rep. by the Amending Act, 1903 (I of 1903).

56. Any Joint Magistrate or Deputy Magistrate duly authorized to exercise the powers of a Magistrate, and any Assistant vested with special powers may, in cases referred to him by the Magistrate, exercise all the powers vested in a Magistrate by this Act.

Jurisdiction.

57. [Application of fines.]—Omitted by the First Schedule of the Government of India (Adaptation of Indian Laws) Order, 1937.

58. [Supersession of Act XXI of 1841.]—Rep. by the Amending Act, 1891 (XII of 1891).

59. [Interpretation.]—Rep. by s. 18(c) of the West Bengal Gambling and Prize Competitions Act, 1957 (West Ben. Act XXXII of 1957).

\*Words repealed by the Amending Act, 1903 (I of 1903), are omitted.

The words "Provided also that no appeal shall lie from any order of a Magistrate passed with the sanction of the Lieutenant Governor of Bengal under section 49 of this Act" which were repealed by the Amending Act, 1891 (XII of 1891), are omitted.

[Act XXI of 1857.]

(Schedule.)

## SCHEDULE

Of places included in <sup>2</sup>\* \* \* \* Station of Howrah

J\* \* \* \* \*

## STATION OF HOWRAH.

- Howrah (including).  
 Panchanantala.  
 Julahapara.  
 Chandmari (with Tandel Bagan).  
 North Betra.  
 South Betra.  
 Ichapur.  
 Saunpur.  
 Goladanga.  
 Ramkrishnapur.  
 Khurat (with Kasaondiya).  
 Chakarber.  
 Santragachhi.  
 Sathgharra.  
 Gudar Hat (with Kinkar Chatterjea's Hat).  
 Battore.
- Sibpur (with Baji Sibpur, Majerhat, Bharpara, Bhattatala, Sriharinaupara, Bishop's College and Company's Botanical Garden).  
 Padmapukhar.  
 South Baksara.  
 North Baksara.
- Salkiya (including).  
 Bandaghat (with Haraganj and Banurjyapara).  
 Ghosery (with Bhat Bagan).  
 Malipanchghara.  
 Barrackpore.  
 Bellur.  
 Naksha.  
 Chakpara.  
 Nallua.  
 Belgachhiya (with Paikan Belgachhiya).  
 Bahmangachi.  
 Chaurasta (with Dharmtala, Goghata and Babudanga).  
 Golabari (with Filkhana).

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<sup>1</sup>This Schedule is referred to in section 1, *ante*.

<sup>2</sup>The words "Suburbs of Calcutta and" which were repealed by the Repealing Act, 1874 (XVI of 1874), are omitted.

<sup>3</sup>The words "Suburbs of Calcutta" were repealed, *ibid*.