

# The Control of Disorderly and Dangerous Persons (Goondas) Act, 1954 (East Bengal Act)

( ACT NO. IV OF 1954 )

♣An Act to provide for the better control of riotous and disorderly persons commonly known as goondas residing in or frequenting certain <sup>1</sup>[areas] [\* \* \*].

[WHEREAS it is expedient to provide for special measures for better control of disorderly persons commonly known as goondas in certain cities and towns and the neighbourhood of those towns and cities and for ancillary matters;]

NOW, THEREFORE, in exercise of the powers so assumed, the Governor is pleased hereby to enact as follows:-

## Short title, extent and commencement

1. (1) This Act may be called the <sup>2</sup>[\* \* \*] Control of Disorderly and Dangerous Persons (Goondas) Act, 1954.

(2) It extends to the whole of <sup>3</sup>[Bangladesh].

(3) It shall come into force in such <sup>4</sup>[area or areas], and on such dates, as the Government may, by notification in the official Gazette, direct.

## Definitions

2. Unless the context otherwise requires, all expressions used in this Act shall have the meanings assigned to them in the <sup>5</sup>[\* \* \*] Penal Code, 1860, or in the Code of Criminal Procedure, 1898.

## Constitution of Tribunal

<sup>6</sup>[3. The Government may, for the purposes of this Act, by notification in the official Gazette, constitute for such area or areas to which this Act may be applied, a Tribunal (hereinafter called the Tribunal) consisting of the District Magistrate or the Additional District Magistrate.]

## Powers of Tribunal

4. (1) For the purpose of conducting enquiries under this Act, the Tribunal shall have all the powers of a District Magistrate under the Code of

Criminal Procedure, 1898, for issuing summonses and warrants for the production of witnesses and documents, for the examination of persons complained of and witnesses, and for issuing commissions for the examination of witnesses.

(2) Proceedings before the Tribunal shall be deemed to be judicial proceedings within the meaning of the Code of Criminal Procedure, 1898.

(3) The Tribunal shall keep its records in <sup>7</sup>[Bengali].

### **Contempt Proceedings**

5. The Tribunal shall have the powers of a Court of Record for punishing contempts of its authority provided that the maximum period for which any person may be committed to prison under this provision, shall be three months.

### **Orders by Tribunal**

6. The Tribunal shall not be bound to follow the rules of evidence prescribed under the Evidence Act, 1872, and may inter alia by written order-

(a) direct that the whole or any part of the enquiry against any person complained of shall be held in camera;(b) for reasons to be stated in the order, accept evidence on affidavit of witnesses whose presence cannot be secured without such amount of delay or expense as would in the opinion of the Tribunal be unreasonable in the circumstances of the case, or any other ground sufficient in its opinion and connected with any matter arising in the case;

(c) for reasons to be stated in the order, record the statement of any witness in camera in the absence of the person complained against and his counsel, if the Tribunal is satisfied that the person complained against is deliberately evading appearance;

(d) receive in relation to the person complained of evidence of previous conviction or previous occasions of having been bound over to keep the peace or be of good behaviour;

(e) receive evidence of general repute in relation to the person complained of;

- (f) direct any Magistrate having jurisdiction in the area to take such steps as may be necessary to protect the life and property of any person who has given or is required to give evidence in an enquiry under this Act;
- (g) grant immunity from prosecution to any witness appearing in any enquiry under this Act, in respect of any matter relevant to the enquiry contained in his evidence; and
- (h) direct, with reference to specified portions of the record of the enquiry, that no copies or abstracts shall be made by or furnished to any person including the persons complained of.

**Cognizance  
of cases by  
Tribunal**

7. (1) The Tribunal shall take cognizance of a case only when an information in respect of a specified person is laid before it by a police officer of the area concerned, not below the rank of an Inspector of Police<sup>8</sup>[or Sub-Inspector of Police in charge of Police Station] who has taken part in the investigation of the case. The information shall be signed by the officer concerned and shall briefly set out-

- (a) the practices with which the person complained of is charged;
- (b) instances, with details of time and place, of such practices;
- (c) a statement of any relevant general reputation in which the said person is held and any other ground on which the information is based;
- (d) names and other particulars of witnesses who will be produced to support the allegations contained in the information; and
- (e) whether the said person is sought to be declared a goonda or a dangerous goonda.

(2) The officer laying the information may, if he thinks fit, enclose any of the above particulars in a sealed cover and request that the same be kept secret and the Tribunal shall order that such particulars shall not be disclosed at any stage of the enquiry, and that when the said particulars fall under clause (d) of sub-section (1) the name of the witness shall not be disclosed until such time as such witness is produced in evidence:

Provided that if the said officer or the person conducting the prosecution before the Tribunal desires that the name of any witness may not be disclosed at all, the Tribunal shall order accordingly.

**Summoning  
of the  
person  
complained  
of**

8. On receipt of an information under section 7, the Tribunal shall summon the person complained of to appear before it and shall at the same time supply him with a copy of such portion of the information as is not to be kept secret under the provisions of the preceding section:

Provided that when the Tribunal is satisfied that such action is necessary, it may, in the very first instance or at any later stage of the enquiry, instead of issuing a summons or notice issue a warrant, non-bailable or bailable in such sum as may appear to it reasonable, for the arrest of the aforesaid person and his production before the Tribunal and may also issue such warrant if satisfied that the said person is hiding himself to evade service of the summons or if he does not appear in spite of the service of the summons.

**Appearance  
before  
Tribunal**

9. (1) When the person complained of appears before it, the Tribunal may take a bond from him with or without sureties for his appearance during the enquiry or when called upon, as the case may be, and may also having regard to the nature of the information laid against him, require him to furnish a bond, with one or more sureties, in such sum as the Tribunal may think fit, to be of good behaviour until the conclusion of the enquiry, and may direct that he may be detained in custody until such bond is executed, or in default of execution, until the enquiry is concluded.

(2) The Tribunal may, for reasons to be recorded, instead of taking a bond for the appearance of the person complained of, order his detention in such custody as may be prescribed by the Government by a general or special order till the conclusion of the enquiry by it.

**Proceedings  
before  
Tribunal**

10. The Tribunal shall then proceed to enquire into the truth or otherwise of the information upon which action has been taken, and for that purpose to take such evidence as may appear necessary, following in all cases the

procedure prescribed in the Code of Criminal Procedure, 1898 for conducting trials and recording evidence in summary cases, but subject to the other provisions of this Act.

**No de novo proceedings**

11. It shall not be necessary for the Tribunal to record the evidence of any witness de novo by reason only of a change in its own composition, but the Tribunal may at any time summon and examine any person, who in its opinion, is capable of giving information relevant to any matter under enquiry notwithstanding that such person has already given evidence in such enquiry.

**Joint proceedings**

12. Where two or more persons are associated together with regard to any matter covered by the allegations contained in the information respectively laid in respect of each, to an extent which in the opinion of the Tribunal justifies such a course, the enquiry into the matter with regard to which they are associated together may be conducted against all or any of them jointly, or against each of them separately, as the Tribunal shall think just.

**Declaration of goondas and dangerous goondas**

13. (1) If the Tribunal is satisfied, as a result of enquiry held under this Act, that the person complained against-

(i) frequents for immoral purposes houses or localities inhabited by prostitutes; or

(ii) frequents resorts of vice such as drinking or gambling dens, or places where opium or other intoxicating drugs are smoked or otherwise consumed; or

(iii) generally appears in public while drunk; or

(iv) is addicted to smoking opium; or

(v) uses obscene or abusive language in public; or

(vi) makes fraudulent collection in the name of charity;

(vii) is involved in affray, rowdism or acts of intimidation or violence in any place private or public so as to cause alarm to the people living or frequenting the neighbourhood;