

COMPENDIUM OF CRIMINAL PROVISIONS & PENALTIES

Compiled Legislative Penal Provisions across West Bengal State Government Departments

AGRICULTURAL MARKETING DEPARTMENT

SL. NO	NAME OF ACT	SECTION NO.	DETAILS OF CRIMINAL PROVISION / PUNISHMENT
1	West Bengal Agricultural Produce Marketing (Regulation) Act, 1972	Section 34(1)	Contravention of Section 4(2) or Section 13. Punishable with imprisonment up to 6 months, or fine up to ₹500, or both. For continuing contravention, additional fine up to ₹50 per day after first conviction.
2	West Bengal Agricultural Produce Marketing (Regulation) Act, 1972	Section 34(2)	Recovery of unauthorized trade allowance, fee or charge in contravention of Section 33. Punishable with imprisonment up to 6 months, or fine up to ₹500, or both. Continuing offence attracts additional fine up to ₹50 per day after first conviction.
3	West Bengal Agricultural Produce Marketing (Regulation) Act, 1972	Section 34(9)	Where a convicted person fails to pay dues directed by the Magistrate, the Magistrate may impose further fine or imprisonment or both. The duration of imprisonment is not specifically prescribed and is left to the Magistrate's order.
4	The West Bengal Agricultural Produce Marketing (Regulation) Act, 1972	Section 34	Any person who contravenes the provisions of sub-section Penalty. (2) of section 3 or sub-section (1) of section 13 or section 33 shall be punishable with imprisonment which may extend to three months or with fine which may extend to five hundred rupees, or with both.

CO-OPERATION DEPARTMENT

SL. NO	NAME OF ACT	SECTION NO.	DETAILS OF CRIMINAL PROVISION / PUNISHMENT
1	The West Bengal Cooperative Societies Act 2006	section 9	Unauthorized use of the word "Co-operative" or its equivalent.
2	The West Bengal Cooperative Societies Act 2006	section 59	Imprisonment for a term which may extend to six months or fine which may extend to one thousand rupees or both for failure to make deduction and payment.
3	The West Bengal Cooperative Societies Act 2006	section 87	Imprisonment for a term which may extend to three months or fine which may extend to five hundred rupees or both, and in the case of a continuing offence a further fine fifty rupees for each day for so long as it continues after conviction for Wilful neglect or refusal to any act, make any return or furnish any false information required under this Act.
4	The West Bengal Cooperative Societies Act 2006	section 100	Imprisonment for a term which may extend to three months or fine for Non-compliance of order of the Registrar.
5	The West Bengal Cooperative Societies Act 2006	section 153	Imprisonment for a term from 1 - 2 years for fraudulent activities with society.

EXCISE DEPARTMENT

SL. NO	NAME OF ACT	SECTION NO.	DETAILS OF CRIMINAL PROVISION / PUNISHMENT
1	The Bengal Excise Act, 1909	section 46A	e(i) In case of an offence of imports, exports, transport, possesses or sells spirit or intoxicating drug or collects or sells any portion of hemp plant (<i>Cannabis sativa</i> L.) from which an intoxicating drug may be manufactured or produced valued less than two thousand rupees, penalty is imprisonment for a term which may extend to 2 years [replaced with 3 yrs by Bengal Excise (Amendment) Act, 2012, section 4] and with fine.
2	The Bengal Excise Act, 1909	section 46A	e(ii) Penalty for unlawful manufacture of spirit or transport, etc. of intoxicating drug, cultivation of hemp, use and possession of materials for manufacture of spirit and intoxicating drug is imprisonment for a term which may extend to five years (but shall not be less than six months).
3	The Bengal Excise Act, 1909	46AA	[Inserted by Bengal Excise (Amendment) Act, 2012, section 5] Whosoever mixes or permits to mix with liquor or any intoxicating drug which is likely to cause disability or death to human, shall be punishable with imprisonment for life, or imprisonment of either description for a term which may extend to 10 yrs and fine.
4	The Bengal Excise Act, 1909	section 48	Penalty for altering or attempting to alter denatured spirit shall be liable to imprisonment for a term which may extend to five years and to fine [replaced with 5 yrs by Bengal Excise (Amendment) Act, 2012, section 7] in case of possession of any spirit for human consumption which has been and which he knows or has reason to believe to have been derived from denatured spirit.
5	The Bengal Excise Act, 1909	section 49	Penalty for adulteration by licensed manufacturer or vendor or his servant shall be liable to imprisonment for a term which may extend to eighteen months, or to fine which may extend to five thousand rupees or to both.
6	The Bengal Excise Act, 1909	section 50	Penalty for fraud by licensed manufacturer or vendor or his servant shall be liable to imprisonment for a term which may extend to one year [replaced with 2 yrs by Bengal Excise (Amendment) Act, 2012, section 8] or to fine which may extend to two thousand rupees, or to both.

SL. NO	NAME OF ACT	SECTION NO.	DETAILS OF CRIMINAL PROVISION / PUNISHMENT
7	The Bengal Excise Act, 1909	section 51	Penalty for certain unlawful act of licensed vendor or their servants, shall be liable to imprisonment for a term which may extend to 6 months [replaced with 2 yrs by Bengal Excise (Amendment) Act, 2012, section 9] or to fine which may extend to two thousand rupees or to both.
8	The Bengal Excise Act, 1909	section 52	Penalty for possession of intoxicant in respect of which an offence has been committed, shall be liable to imprisonment for a term which may extend to two years and to fine [replaced with 3 yrs by Bengal Excise (Amendment) Act, 2012, section 10].
9	The Bengal Excise Act, 1909	section 53	Penalty for consumption in chemist's shop, etc., shall be liable to imprisonment for a term which may extend to one year or to fine which may extend to three thousand rupees, or to both.
10	The Bengal Excise Act, 1909	section 58	Penalty on Excise Officer making vexatious search, seizure, detention or arrest or refusing duty or being guilty of cowardice shall be liable to imprisonment for a term which may extend to one year or to fine which may extend to two thousand rupees, or to both.

FINANCE DEPARTMENT

SL. NO	NAME OF ACT	SECTION NO.	DETAILS OF CRIMINAL PROVISION / PUNISHMENT
1	The Bengal Money-Lenders Act, 1940	Section 23(1)	Obtaining or applying for a money-lending licence while disqualified, without disclosing the disqualification. Punishable with imprisonment up to 3 months, or fine up to ₹500, or both.
2	The Bengal Money-Lenders Act, 1940	Section 23(2)	Obliterating or attempting to obliterate endorsements made on a licence, or abetting such act. Punishable with imprisonment up to 3 months, or fine up to ₹500, or both.
3	The Bengal Money-Lenders Act, 1940	Section 40(2)	Taking a promissory note, bond, security, etc., containing incorrect particulars of the loan amount, interest rate, repayment terms, or leaving entries blank for later completion. Punishable with simple imprisonment up to 6 months, or fine up to ₹1,000, or both.
4	The Bengal Money-Lenders Act, 1940	Section 41(1)	Molestation, harassment, intimidation, violence, stalking, loitering, or similar acts against a debtor for recovery of debt. Punishable with imprisonment up to 1 year, or fine up to ₹1,000, or both. The offence is cognizable and bailable.
5	The Bengal Money-Lenders Act, 1940	Section 42(1)	General penalty for wilful contravention of any provision of the Act where no specific penalty is prescribed. First offence: fine up to ₹200; second offence: fine up to ₹500; subsequent offences: rigorous imprisonment up to 3 months and fine.

FISHERIES DEPARTMENT

SL. NO	NAME OF ACT	SECTION NO.	DETAILS OF CRIMINAL PROVISION / PUNISHMENT
1	The West Bengal Inland Fisheries Act, 1984	Section 5	If any person uses any dynamite or other explosive substance or puts any poison, lime or noxious material in any fishery or other water area with intent to catch or destroy any fish therein, he shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both.
2	The West Bengal Inland Fisheries Act, 1984	Section 6	Without prejudice to the provisions of the foregoing sub- any person causing pollution of any flowing water or any confined water area may also be prosecuted and shall, on conviction, be punished with imprisonment for a term which may extend to six months, or with fine which may extend to ten thousand rupees, or with both.

FOOD AND SUPPLIES DEPARTMENT

SL. NO	NAME OF ACT	SECTION NO.	DETAILS OF CRIMINAL PROVISION / PUNISHMENT
1	The West Bengal Warehouses Act 1963	Section 32	Shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to one thousand rupees or with both.

FOREST DEPARTMENT

SL. NO	NAME OF ACT	SECTION NO.	DETAILS OF CRIMINAL PROVISION / PUNISHMENT
1	West Bengal Trees (Protection and Conservation in Non-Forest Areas) Act, 2006	Section 11(1)	Any person who fells a tree, causes a tree to be felled, cuts, uproots, removes or disposes of a tree in contravention of Section 4, or violates conditions of permission granted under the Act, is punishable with imprisonment up to 1 year, or fine up to ₹5,000, or both. Additionally, till the required compensatory plantation is undertaken, a further fine of ₹50 per day of default may be imposed.
2	West Bengal Trees (Protection and Conservation in Non-Forest Areas) Act, 2006	Section 11(2)	Where a person, development agency, entrepreneur or promoter fails to implement the approved plantation plan under Section 9(4), punishment is imprisonment up to 2 years, or fine up to ₹10,000, or both.
3	West Bengal Trees (Protection and Conservation in Non-Forest Areas) Act, 2006	Section 14(1) read with Section 11	Upon conviction for illegal felling of a tree, the Court may order forfeiture of timber and implements used in the offence. If the timber has already been disposed of, the Court may impose an additional penalty up to ₹5,000. This is in addition to the punishment under Section 11.

HEALTH & FW DEPARTMENT

SL. NO	NAME OF ACT	SECTION NO.	DETAILS OF CRIMINAL PROVISION / PUNISHMENT
1	The West Bengal Clinical Establishments (Registration, Regulation and Transparency) Act, 2017	Section 34	Violates the conditions of registration and license under this Act, he shall be liable for imprisonment which may extend to three years.

HOME DEPARTMENT

SL. NO	NAME OF ACT	SECTION NO.	DETAILS OF CRIMINAL PROVISION / PUNISHMENT
1	The West Bengal Protection of Interest of Depositors in Financial Establishment Act, 2013	section 3(2)	Every person including the promoter, partner, director, manager, member, employee or any other person of a financial establishment who has committed a default in repayment of deposit fraudulently shall, on conviction, be punishable with imprisonment for life or imprisonment for either description for a term which may extend to ten years and such financial establishment shall also be liable to a fine. Provided that in the absence of special and adequate reasons recorded in the judgement of the Court, the imprisonment shall not be less than for three years and the fine.
2	The West Bengal Protection of Interest of Depositors in Financial Establishment Act, 2013	section 4(4)	Financial establishments operating in West Bengal are mandated to disclose their business activities and submit periodical statements to the Competent Authority. Whosoever contravenes the provision of this section shall be punished with imprisonment which may extend to 3 months or with fine or with both.
3	The West Bengal Black Marketing Act, 1948	section 3(1)	Whoever commits black marketing shall be punishable with imprisonment which may extend from 6 months to 7 yrs and shall also be liable to a fine.
4	The West Bengal Black Marketing Act, 1948	section 4(2)	On the third or any subsequent conviction he shall be punishable with imprisonment for a term which may extend to six months and shall also be liable to fine.
5	The West Bengal Black Marketing Act, 1948	section 8(2)	If any person fails to comply with an order of the Court requiring him to execute a bond, the Court may order him to be put in prison for any term up to 12 months to commence at the expiration of any term of imprisonment to which he was sentenced on his conviction.
6	The West Bengal Black Marketing Act, 1948	section 21(3)	If any Editor, Printer or Publisher of a newspaper denies Govt order to give publicity to the offence of black marketing, he shall, on a complaint made by order of or under authority from the Provincial Government, be punishable with imprisonment for a term which may extend to six months or with fine which may extend to one (1) thousand rupees or with both.

HOUSING DEPARTMENT

SL. NO	NAME OF ACT	SECTION NO.	DETAILS OF CRIMINAL PROVISION / PUNISHMENT
1	The Taxes on Entry of Goods into Calcutta Metropolitan Area Act, 1972	Section 24	Obstructs the prescribed authority in the exercise of its powers under section 22, shall be punishable with imprisonment which may extend to six months, or with fine, or with both, and where the offence is a continuing one, with a further fine, not exceeding rupees fifty for every day, excepting the first, during which the offence continues.
2	The West Bengal Apartment (Regulation of Construction and Transfer) Act 1972	Section 7	Any promoter who knowingly makes a false disclosure in respect of any of the matters referred to in clauses (a), (b), (g) or (h) of section 4 or contravenes the provisions of section 6, shall, on conviction, be punished with imprisonment for a term which may extend to one year or with fine which may extend to two thousand rupees, or with both.
3	The West Bengal Housing Board Act, 1972	Section 45	Whoever contravenes a by-law made under section 44 shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both.
4	The West Bengal Housing Board Act, 1972	Section 46	Shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both.