



## The Cooch Behar Disturbances Enquiry Act, 1951

Act 23 of 1951

**Keyword(s):**  
**Judicial Officer, Civil Court**

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# West Bengal Act XXIII of 1951<sup>1</sup>

## THE COOCH BEHAR DISTURBANCES ENQUIRY ACT, 1951.

[18th October, 1951.]

*An Act to vest a certain Judicial Officer appointed under a Resolution of the State Government with the powers of a Civil Court while holding an enquiry in pursuance of that Resolution.*

WHEREAS it is expedient to vest Judicial Officer, appointed under Resolution of the Government of West Bengal, in the Home Department No. 2144 P1, dated the 29th May, 1951, with the powers of a Civil Court, while holding an enquiry in pursuance of that Resolution;

It is hereby enacted as follows:—

1. (1) This Act may be called the Cooch Behar Disturbances Enquiry Act, 1951.

Short title and commencement.

(2) It shall come into force immediately on the Cooch Behar Disturbances Enquiry Ordinance, 1951, ceasing to operate.

2. The Judicial Officer, to wit the Hon'ble Mr. Justice S. N. Guha Ray of the High Court at Calcutta, appointed under Resolution of the Government of West Bengal, in the Home Department No. 2144-P1., dated the 29th May, 1951, shall, while holding an enquiry in pursuance of that Resolution,—

Powers of the Judicial Officer appointed under Home Department Resolution No. 2144-P1.

- (i) have all the powers of a Civil Court for the purposes of receiving evidence, administering oaths, enforcing the attendance of witnesses, and compelling the discovery and production of documents, and shall be deemed to be a Civil Court within the meaning of section 480, 481 and 482 of the Code of Criminal Procedure, 1898, and
- (ii) shall furthermore have the same powers of dealing with any contempt of himself or in respect of any proceedings before him, as if he were a High Court referred to in article 214 of the Constitution of India.

3. Except in a prosecution for giving false evidence, and except as provided in the Indian Evidence Act, 1872, no statement made by a person in the course of giving evidence before the Judicial Officer referred to in section 2 shall subject such person to, or be used against such person in any civil or criminal proceedings:

Statements made by persons to the Judicial Officer.

Provided that such statement—

- (a) is one which the said Judicial Officer permits or requires to be made before him by such person; and
- (b) is relevant to the subject-matter of the enquiry.

<sup>1</sup>For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary*, dated the 12th September, 1951, Part IV, page 1164; for proceedings of the West Bengal Legislative Assembly, see the Proceedings of the meeting of the West Bengal Legislative Assembly, held on the 17th September, 1951.

West Ben.  
Ord. IV of  
1951.

Act V of  
1951.

of 1872.

*The Cooch Behar Disturbances Enquiry Act, 1951.*

[West Ben. Act XXIII of 1951.]

*(Section 4.)*

Savings.

4. Any power exercised, any action taken or anything whatsoever done under any provision of the Cooch Behar Disturbances Enquiry Ordinance, 1951, shall, on the said Ordinance ceasing to operate, be deemed to have been exercised, taken or done under the corresponding provision of this Act as if this Act had commenced on the 12th day of June, 1951.

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West Ben.  
Ord. IV of  
1951.