

COOCH BEHAR DISTURBANCES ENQUIRY ACT, 1951

23 of 1951

[18th October, 1951]

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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 the 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. Short title and commencement :-

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

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

2. Powers of the Judicial Officer appointed under Home Department Resolution No. 2144-PL :-

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-PL, dated the 29th May, 1951, shall, while holding an enquiry in

pursuance of that Resolution,

(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 sections 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. Statements made by persons to the Judicial Officer :-

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 :

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.

4. Savings :-

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.