

West Bengal Criminal Law (Amendment) Act, 1964

1 of 1964

[03 March 1964]

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PREAMBLE

An Act to provide for the speedy rehabilitation of persons affected by any disturbance, commotion, violence or arson.

WHEREAS it is expedient to provide for the speedy rehabilitation of persons affected by any disturbance, commotion, violence or arson; It is hereby enacted as follows:-

1. Short title and extent :-

(1) This Act may be called the West Bengal Criminal Law (Amendment) Act, 1964.

(2) It extends to the whole of West Bengal.

2. Restoration of possession :-

(1) Any Magistrate or other officer specially empowered in this behalf by the State Government by general or special order may, after such local enquiry and with such police or other help as he may consider necessary, evict summarily any person who may have occupied or taken possession in any manner whatsoever of any house, hut, structure or land which any other person has had to leave or has left on account of, or in apprehension of, any

disturbance, commotion, violence or arson.

(2) The Magistrate or other officer referred to in sub-section (1) shall, as soon as may be, restore possession of such house, hut, structure or land to the person who is proved to his satisfaction to have been in possession thereof and to have left it in the circumstances referred to in sub-section (1).

3. Appeal :-

(1) Any person aggrieved by summary eviction of himself from, or by restoration of possession to any other person of, any house, hut, structure or land may appeal, in the Presidency Town of Calcutta to the Chief Judge, Court of Small Causes, Calcutta, and elsewhere to the District Judge having jurisdiction, within thirty days of such eviction or restoration and such Judge may, if he allows the appeal, cause such person to be put back in possession with such police or other help as he may consider necessary.

(2) The decision of the Judge referred to in sub-section (1) shall be final.

(3) It shall not be competent for a Judge to grant any interim injunction or stay order in respect of any eviction or restoration under the provisions of section 2.

4. Finality of order :-

Save as provided in section 3 no action taken, no decision given and no order passed under this Act shall be called in question in any civil or criminal court or tribunal.

5. Indemnity :-

No proceedings shall lie in any civil or criminal court for anything done, any action taken or any decision given in good faith by any Judge, Magistrate or Officer or other person in pursuance of the provisions of this Act.

6. Repeal and savings :-

(1) The West Bengal Criminal Law (Amendment) Ordinance, 1964, is hereby repealed.

(2) Anything done or any action taken under the West Bengal Criminal Law (Amendment) Ordinance, 1964 shall be deemed to have been validly done or taken under this Act as if this Act had commenced on the 16th day of January, 1964.

