

COOCH BEHAR (ASSIMILATION OF STATE LAWS) ACT, 1950

Government of West Bengal Legislative Department West Bengal Act LXIII of 1950 The Cooch Behar (Assimilation of State Laws) Act, 1950 Superintendent, Government Printing, West Bengal Government Press, Alipore, West Bengal 1950 Price—Indian. annas 2 ; English, West Bengal Act LXIII of 1950 THE COOCH BEHAR (ASSIMILATION OF STATE LAWS) ACT, 1950, [Passed by the, West Bengal Legislature,] [Assent or the President was first published in the Calcutta Gazette, of the 7th December, 1950.] An Act to assimilate certain State laws in force in Cooch Behar to the State laws in force in the rest of West Bengal WHEREAS it is expedient to assimilate certain State laws in force in Cooch Behar to the State laws in force in the rest of West Bengal; It is hereby enacted as follows (1) This Act may be called the Cooch Behar (Assimilation of State Laws) Act, 1950. mence Government may, by notification in the Official Gazette, appoint

2. In this Act,—Definitions. (a) "appointed day" means the date appointed under sub-section (2) of section 1 for the coming into force of this Act; (b) "Cooch Behar" means the merged territory of Cooch Behar in the State of West Bengal; (c) "State law" means so much of any Act, Ordinance, Regulation, rule, order or by-law as relates to any of the matters enumerated in List I in the Seventh Schedule to the Constitution of India. 3. (1) All State laws which immediately before the appointed day extend to, or are in force in the State of West Bengal but do not extend to, or are not in force in, Cooch Behar shall, as from that day, extend to, or the case may be, come into force in, Cooch Behar. (2) All State laws which, immediately before the appointed day, are in force in Cooch Behar but not in the rest of West Bengal shall on that day cease to be in force in Cooch Behar, except as respects things done or omitted to be done before that day. (3) Notwithstanding anything contained in sub-sections (1) and the Cooch Behar Acts specified in Schedule I as in force in Cooch Behar immediately before the appointed day shall continue to be in force therein after the said date subject to the adaptations specified in that Schedule, and the State laws specified in Schedule II shall not extend to, or come into force in, Cooch Behar : 2 The Cooch Behar (Assimilation of State Laws) Act, 1950. [West Bengal Act (Section 4 and Schedule I)] Provided that the State Government may, by notification in the Official Gazette, appoint a date on which any of the Acts specified in Schedule I shall cease to be in force and any of the Acts specified in Schedule II shall extend to, or come into force in, Cooch Behar. (4) Nothing in this section shall be deemed to restrict or affect in any way, any shooting or fishing rights guaranteed or assured to His Highness the Maharaja of Cooch Behar under any covenant or agreement made with the Government of the Dominion of India, before the commencement of the Constitution of India

4. If any difficulty arises in relation to the transition Provision from the laws mentioned in sub-section (2) of section 3 to the old laws mentioned in sub-section (1) thereof, the State Government may, by order notified in the Official Gazette, make such provision as it considers necessary for the removal of such difficulty. SCHEDULE I. [See section 3(3).] (1) The Cooch Behar Village Choukidari Act, 1893 (Cooch Behar Act III of 1893). the Act.—For "Fouzdari Ahilkar" Throughout substitute "District Magistrate". substitute "district". Preamble.—For "State" or "by a Saad under his Section I sub-clause (1), f substitute 'by an order published in the hand and seal' substitute "district". Official Gazette" ; for "State" In sub-clause (2), "His Highness the Maharaja in the two places where they occur, Bahadur in Council", for "Cooch Behar substitute "the State Government" substitute Gazette" •Gazette' In the first proviso, for "Cooch Behar Municipal Act I of 1885" substitute "Cooch Behar Town Committee Act of 1903 (Cooch Behar Act IV of 1903) or the Cooch Behar Municipal Act, 1944 (Cooch Behar Act 111 of 1944)". Section sub-clauses (1) and (3) for 'His Highness the Maharaja Bhup Bahadur in Council" substitute for "Cooch Behar Gazette" "the State Government" In the two places where they occur, substitute "Official Gazette" In sub-clause f or tyrant a Sanad given under the substitute ; 'Niven an order in writing hand and seal of" The Cooch Behar (Assimilation of State Laws) Act, 1950. of 1950.] (Schedule I.) 3 Section VI clause (h), for "His Highness the Maharaja Bhup Bahadur in Council" substitute "the State 'Cooch Behar Gazette" substitute Government" , "Official Gazette". Section X.—For "annas 12" substitute "Rupees 2" and for "one pice or quarter of an anna" substitute "two pice or half an anna". Section XXXIII.—In clause 6th, for "State Council" substitute "State Government". In clause 13th, for "His Highness the Maharaja Bhup Bahadur in Council" substitute "the State Government", and f OT

"Cooch Behar Gazette" substitute ' ' Gazette'. Section XLIII .—For "Superintendent of the State" substitute 'Divisional Commissioner' Section XLIV.—F0T "Cooch Behar State" substitute "the district of Cooch Behar". (2) The Cooch Behar Cess Act, 1893 (Cooch Behar Act V of 1893). Throughout the Act.—For "His Highness the Maharaja in Council", 'C His Highness in Council' and "Hig High- substitute "the State Government" except where ness otherwise mentioned e for "Naib Ahilkar" substitute ' 'Deputy Collector" for ' 'Naib Ahilkar of the subdivision" substitute "Deputy Collector in charge of the subdivision" ; for "Revenue Minister" substitute "Collector". Long titte and ergatnbZe.—ß'or "State" substitute ' 'district' Section 2.—0mit definition of '{Naib Ahilkar"; o In the definitions of ' 'Lakherajdar" and ' 'Mokoraridar" , after "State" insert "of Cooch Behar before merger". Section section 6. Section 7.—Omit "if he think fit" r Section 18.—For "the State" substitute 'f Government". Section "State Council" substitute ' 'Divisional Commissioner or the Board of Revenue". Section "Stafe3' substitute ' 'Government". Section 34.—For "His Highness the Maharaja in Council" substitute ' 'the Divisional Commissioner and the Board of Revenue" , in the marginal note, for "State Council" substitute "Divisional Commissioner and Board of Revenue" Part 111, Ch.apter V'.—F02t the heading "Constitution and Administration of the Communication Improvement Fund" substitute "Temporary Provisions2. The Cooch Behar (Assimilation. of State Laws) Act, 1950. [West Ben. Act Section 36.—For section 36, substitute the following : "Communicationlm- 36. Until the constitution of a Cess' District Board for Cooch Behar, the provisionally to form part of the amount produced by the Communica- dated Fund of the tion Improvement Cess and all gums levied recovered as fines, penalties State. or otherwise in respect of the cess under this Act, shall form part of the Consolidated Fund of the State of NV est Bengal', and the cost of repair and maintenance of roads, bridges and other means of communication and the cost of construction ancl maintenance of any other work of public utility shall be paid aut of the Con- solidater_1 Fund of the State of West Bengal." Sections 37, 38 39 and 40.—Omit these sections. (3) The Cooch Behar Revenue saies Act, 1897 (Cooch Behar Act, V of 1897). \$ u:hstimote Throughout the Act.—ror "Naib Ahilkar" substitute for ' 'Revenue Minister" "Deputy Collector" , for "Cooch Behar Gazette" ' 'Collector of the district" ; substitute for "Council" substitute ' 'Gazette' and for "Civil and 'Board of Revenue, West Bengal" Sessions Judge" substitute "District Judge' Long title—For ' 'State" substitute a 'district" Section III.—For "State" substitute "Government". Omit the definition of Naib Ahilkar, Section JV this section. Section V.—For ' 'as notified under the provisions of the preceding section" substitute ' 'fixed under the provisions of the Kist Act, Cooch Behar, 1898 (Cooch Behar Act I of 1898)". substitute Section "Revenue omcer" substitute ' 'Government" ; for for "State" 'Collector" ; "Section 7 of the Cooch Behar Public Demands Recovery substitute ' 'the Bengal Public Demands Act (11 of 1899)" Recovery.Act, 1913 (Bengal 1913)" —For "State" substitute "Government" Section XVI.—For "State" substitute '(district". Section XXXVII .—TO?" the words 'Naib Ahilkar may refer to any Sul)wNaib Ahilkar subordinate to him" substitute "Deputy Collector in charge af a subdivision may refer to any •other Deputy Collector or any Sub-Deputy Collector of the , in clause 3, omit ' 'or Sub-Naib Ahilkar" same station" o Schedule A.—T0T "State" substitute "district", wherever it occurs. The Cooch Behar (Åss•imiZatd07b o} State Laws) Act, 1950. 1950.] (Schedule I.) 5 (4) The Kist Act, Cooch Behar, 1898 (Cooch Behar Act of 1898). substitute "Govern- Throughout the Act.—ror "State" mellT (5) The Cooch Behar Town Committee Act of 1903 (Cooch Behar Act •V of 1903). Thröüvhout the Act.—For "Cooch Behar Gaiette" substi- "His Highness the Maharaja in tute "Official Gazette" , or "His Highness the Maharaja Bhup Bahadur in Council" ' , for ' 'His Highness Council" substitute "State Government" ; in Council" substitute "Sta.te Government" Section Vo—In sub-section (13) for "His Highness the Maharaja" substitute "State Government" Section VIII.—For "to him may seem fit" substitute 'may be specified in the notification" Section .—For "Fouzdari Ahilkar" substitute "District substitute ' 'Executive . " for "State Engineer" Magistrate substitute *for "Naib Abilkars" Enøineer' substitute ' 'Govern- "the State" Section XIII.—F0T ment' Section XV.—For the Maharaja" for "State Funds" substitute tute "State Government" ; ' 'Congolitated Fund of the . Section XVII.—For "His Highness the Maharaja" substi- tute "State Government" . Section XX.—OmÆt ' 'provided that when a member of the State Council is also a member of the Town Committee, he and not the' Vice-Chairman, shall preside". Section XXIX.—Tor '{The accou-nts of the Town Com- mittee shall be subject to audit by the Audit Office of the State in the way that accounts of all other departments of the State are so subject" substitute "The Town Committee shall make arrangements, subject to the approval of the State Government, for the examination and audit of accounts of the Committee and may direct the

publication of such account" Section XLIII.—For this section substitute the following : XLIII. Chaukidars appointed under ' Powers and duties of Chaukidars this Act shall exercise all the powers and appointed under perform all the duties and be subject to this Act. all the liabilities of police officers as prescribed by any law for the time being in force so far as such powers, duties and liabilities are not inconsistent with otherwise expressly provided for by this Act." 6 The Cooch Behar (Assimilation of State Laws) Act, 1950. [West Ben. Act (Schedule 1.) Sections XLV and XLVI .—FOT "Fouzdari Ahilkar" substitute "District Magistrate". Section XLVII .—For 'State' substitute 'Government'. Section L.—For "State" substitute "Government". Section LXVIII.—For 'State' substitute "Government". Section LXLII.—FOT 'His Highness the Maharaja' substitute "Government". Section C.—For "State" substitute "Government"}. (6) The Cooch Behar Tenancy Act, 1910 (Cooch Behar Act V of 1910). Throughout the Act.—For "Naib Ahilkar" substitute "Deputy Collector" ; for 'State Council' substitute 'Government' , for 'State' wherever it occurs in the expression "not paying revenue to the State" , substitute "Government". Preamble.—For "State" substitute "district". Section 1.—For sub-section (2), substitute— "(2) It shall apply to the whole of the district of Cooch Behar." Section 3.—In clause (a) of sub-section (1) for "State" substitute "Government" , in sub-section (3) omit 'in the State'; in sub-section (5) for "State" 'Govern- in sub-section (8) for "%State" ment" substitute 'Govern- in sub-section (9) or "%State" substitute ment' ' ' ' Govern- ment" ; omit •sub-section (16 ; in sub-section (20) for "State" substitute "district" ; in sub-section (23) for "State" substitute '[Government" and omit "in the State"; in sub-section (27) omit "as introduced into the State". Section 4.—Omit "as introduced into the State". Section 5.—In clause (a) for "State" substitute "Government" Section 8.—In the explanation, for 'State' substitute 'Government' , Section 10.—In the proviso "district" Section 18A .—For "State" substitute Section 34.—Omit "of the State". Section sub-section (1) for Council" substitute "State Government". "State" substitute "Government" ' 'His Highness in as introduced into Section 394. the State" Section 39B. 1921' substitute in sub-section (1) omit For 'the Cooch Behar Limitation Act, 'any other law for the time being in force} The Cooch Behar (Assimilation of State Laws) Act, 1950. or *950.1 (Schedule 1.) Section 41.—Omit 'in force in the State". Section "Civil Judge", where it occurs for the first time, substitute 'District Judge, Additional Judge or for "His Highness in Council" substitute Subordinate Judge" ; in the proviso for "Civil Judge" substitute "High Court" , substitute "District, Judge" Section 49.—For the words 'Revenue Minister' in the second paragraph, substitute 'Dewan or Revenue Minister of Cooch Behar or by the Chief Commissioner or the Collector". Section 58.—In the proviso to sub-section (2) for "His Highness in Council" substitute "State Government". appears" insert Section 65 a—In sub-section (3) after "to the Court" and for "Civil Judge" substitute "District Judge" Section 66.—For "State" substitute "district". Section 68A .—In sub-section (2) for 'Civil Judge" substitute "District Judge". Section 73.—In sub-section (4) for substitute "State" "Government". Section 79.—For "Revenue Minister" substitute 'Collector". Section 82.—Omit ('as introduced into the State" from both the sub-sections (1) and (2). Section 88.—For "State" substitute "Government". Section 89.—For "State" substitute "Government". Schedule v.—In Part II, for "Civil Judge" substitute substitute "District, Judge" for "Revenue Minister" 'Collector". In Part III, for 'Cooch Behar Limitation Act, 1921 substitute "*Indian Limitation Act, 1908". (1) The Cooch Behar Municipal Act, 1944 (Cooch Behar Act of 1944). Throughout the "State" substitute "district", except where otherwise specifically provided; for "Cooch Behar Gazette" substitute 'Official Gazette'; for "Durbar" substitute 'State Government" for "Fouzdari. Ahilkar" substitute "District Magistrate". Section I.—In sub-section (2) omit "after publication in the Cooch Behar Gazette with the assent of His Highness the Maharaja Bahadur". Section 4.—In sub-clause (b) of clause (IO) for "His Highness the Maharaja Bhup Bahadur in Council" substitute "State Government". Omit clause (15), 8 The Cooch Behar (Assimilation of State Laws) Act, 1950. West Ben. Act (Schedule 1.) Section 75.—FOT clause (ii) of sub-section (2) substitute "(ii.) is a citizen of India, and" Section ? 5 .—In sub-section (1) omit 'and section 17 II of the Cooch Behar Penal Code concerning an election under this in clause (c) of sub-section (I) omit Act" , 171J of the Cooch Behar Penal Code concerning an election under this Act and" ; in sub-section (3) omit "and section 17 II 01 the Cooch Behar Penal Code concerning an election under this Act". Section 26 .—in sub-section (I) for "Civil Judge of the State" substitute 'District Judge" , in clause (a) of sub-section (2) insert '(1908" after "Code of Civil Procedure". Section. 33.—In clause (b) of sub-section (I), for "His Highness the Maharaja Bhup Bahadur, his heirs and substitute 'the Union of India". successors Section 60.—For 'State" substitute "Government". Section 63.—In sub-section (3),

for "Cooch Behar Regis- substitute "Indian Registration Act, tration Act, 192]. " 1908" Section 65. In clause (c), for ' 'State funds by His High- ness the Maharaja Bhup Bahadur or by the Durbar" substitute "Consolidated Fund of the State". Section 74.—For this section substitute the following 74. 'L' Ime accounts of the Municipal Funds shall "Audit of accounts. be audited at such times and in such manner as the State Government may prescribe. Section 122.—In the first •provisö to gub-section (1) for ' 'State" substitute "Government". Section 190.—For clauses (a) and (b) substitute— ' (a) prescribing the standard weights and measures to be used within the municipality, namely, (i) Government standard weights, that is to say, one maund consisting of 40 seers, one seer consist- ing of 80 tolas and aue tola consisting of 180 grains; or (Yi) a standard cubit consisting of 18 inches for the measure of commodities other than land; or iii) both the weights and the measure of length and mentioned in sub-clauses respectively ; (b) providing standards of the weights and measures so prescribed . The Cooch Behar (Assimilation of State Lao') 1950. of 19503 (Scheduze 1 and, Schedule 11.) Section 191 a—For sub-section (1) substitute— 9. ' ' (1) Where the Commissioners of any municipality have made by-laws under section 190 prescribing Btandard. weights and measures io be used within the municipality, -they may, at a meeting by an order published in the prescribed manner, prohibit the use' within the municipality of any mound, seer or tola or any cubit measure other than such as conform with the standard preBcrib- ed in •the said by-laws. In sub-section (2) for the words "when Buch standard substitute "when weights or measures or both are in force" such order has been published" Section 193.—For ' 'Cooch Behar Food Adulteration Act, 1941" substitute "Bengal Food Adulteration Act, 1919". Sections 221 and 234.—Eor "Cooch Behar Penal Code" substitute "Indian Penal -Code". Section 227.—In clause (c) of sub-section (1) for ' 'His. Highness the Maharaja Bhup Bahadur of Cooch Behar" substitute "State Government". SCHEDULE n. [See section 3(3).] (1) The Bengal Land Revenue sales Act, 1859 (X1 of 1859). (2) The Bengal Land Revenue sales Act, 1868 (Bengal Act of 1868). (3) The Village Chaukidari Act, 1870 (Bengal Act of 1870). (4) The Bengal Village Chaukidari Act, 1871 (Bengal Act 1 of 1871). (5) The Act, 1880 (Bengal Act IX of 1880). (6) The Bengal Tenancy Act, 1885 (VIII of 1885). (7) The Bengal Village Self-government Act, 1919 (Bengal Act V of 1919). (8) The Bengal Municipal Act, 1932 (Bengal Act XV of 1932).