

The Cooch Behar (Assimilation of State Laws) Act, 1950

Act 63 of 1950

Keyword(s):

Cooch Behar, State Law



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West Bengal Act LXIII of 1950¹

THE COOCH BEHAR (ASSIMILATION OF STATE LAWS) ACT, 1950.

AMENDED

West Ben. Act XXXI of 1954.
West Ben. Act XXI of 1955.
West Ben. Act XXIV of 1969.

[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. (1) This Act may be called the Cooch Behar (Assimilation of State Laws) Act, 1950.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

2. In this Act,—

- (a) "appointed day" means the date appointed under subsection (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 II 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 as 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.

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary*, dated the 22nd September, 1950, Part IV, page 1271; for Proceedings of the West Bengal Legislative Assembly, see the Proceedings of the meeting of the West Bengal Legislative Assembly, held on the 4th October, 1950.

²This Act came into force on the 1st January, 1951, vide Notification No. 7497J, dated the 18th December, 1950, published in the *Calcutta Gazette*, dated the 28th December, 1950, Part I, page 2605.

Short title
and
commence-
ment.

Definitions.

Assimilation
of State
Laws.

*(Section 4.)*

(3) Notwithstanding anything contained in sub-sections (1) and (2), 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 ¹[or such part thereof as may be specified in the notification]:

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.

²(5) Notwithstanding anything contained in the foregoing sub-sections, if at any time after the commencement of this Act, any part of Cooch Behar is transferred from the district of Cooch Behar, to, and included in, any other district in West Bengal, then, on and from the date of transfer, to, and inclusion in, such other district of such part.—

- (i) all Acts specified in Schedule I which immediately before the said date were in force in such part subject to the adaptations specified in that Schedule, shall cease to be in force therein, except as respects things done or omitted to be done before such date; and
- (ii) all Acts specified in Schedule II which immediately before such date did not extend to, or were not in force in such part, shall extend to, or, as the case may be, come into force in such part.

Provision for
removal of
difficulties.

4. If any difficulty arises in relation to the transition from the laws mentioned in sub-section (2) of section 3 to the 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.

¹The words within the square brackets were inserted by s. 2 of the Cooch Behar (Assimilation of State Laws) (Amendment) Act, 1969 (West Ben. Act XXIV of 1969).

²This sub-section was added by s. 2 of the Cooch Behar (Assimilation of State Laws) (Amendment) Act, 1954 (West Ben. Act XXXI of 1954).



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*(Schedule I.)***SCHEDULE I.**

[See section 3(3).]

**(1) The Cooch Behar Village Choukidari Act, 1893
(Cooch Behar Act III of 1893).**

Throughout the Act.—For “Fouzdari Ahilkar” substitute “District Magistrate”.

Preamble.—For “State” substitute “district”.

Section I.—In sub-clause (1) for “by a Sanud under his hand and seal” substitute “by an order published in the Official Gazette”; for “State” substitute “district”.

In sub-clause (2) for “His Highness the Maharaja Bhup Bahadur in Council”, in the two places where they occur, substitute “the State Government”; for “Cooch Behar Gazette” substitute “Official 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 III of 1944)”.

Section VI(A).—In sub-clauses (1) and (3) for “His Highness the Maharaja Bhup Bahadur in Council” substitute “the State Government”; for “Cooch Behar Gazette”, in the two places where they occur, substitute “Official Gazette”.

In sub-clause (2) for “granted a Sanud given under the hand and seal of” substitute “given an order in writing by”.

Section VI(B).—In clause (h) for “His Highness the Maharaja Bhup Bahadur in Council” substitute “the State Government”; for “Cooch Behar Gazette” substitute “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 for “Cooch Behar Gazette” substitute “Official Gazette”.

Section XLIII.—For “Superintendent of the State” substitute “Divisional Commissioner”.

Section XLIV.—For “Cooch Behar State” substitute “the district of Cooch Behar”.



(Schedule I.)

(2) **The Cooch Behar Cess Act, 1893**
(Cooch Behar Act V of 1893).

Throughout the Act.—For “His Highness the Maharaja in Council”, “His Highness in Council” and “His Highness” substitute “the State Government” except where otherwise mentioned; ¹[for “Naib Ahilkar” substitute “Deputy Collector, Sub-Collector or Sub-Deputy Collector, as the case may be,”]; ²[for “Naib Ahilkar of the subdivision” substitute “Deputy Collector, Sub-Collector or Sub-Deputy Collector, being the subdivisional Magistrate in charge of the subdivision”]; for “Revenue Minister” substitute “Collector”.

Long title and preamble.—For “State” substitute “district”.

Section 2.—Omit definition of “Naib Ahilkar”; in the definitions of “Lakherajdar” and “Mokoraridar”, after “State” insert “of Cooch Behar before merger”.

Section 6.—Omit section 6.

Section 7.—Omit “if he think fit”.

Section 18.—For “the State” substitute “Government”.

Section 25.—For “State Council” substitute “Divisional Commissioner or the Board of Revenue”.

Section 31.—For “State” 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 III, Chapter V.—For the heading “Constitution and Administration of the Communication Improvement Fund” substitute “Temporary Provisions”.

Section 36.—For section 36 substitute the following:—

“Communication Improvement Cess, etc., provisionally to form part of the Consolidated Fund of the State.

36. Until the constitution of a District Board for Cooch Behar, the amount produced by the Communication Improvement Cess and all sums levied or recovered as fines, penalties or otherwise in respect of the cess under this Act, shall form part of the Consolidated Fund of the State of West Bengal; and the cost of repair and maintenance of roads, bridges and other means of communication and the cost of construction and maintenance of any other work of public utility shall be paid out of the Consolidated Fund of the State of West Bengal.”.

¹These words within the square brackets were substituted with retrospective effect for the words “for “Naib Ahilkar”, substitute “Deputy Collector”” by s. 2(a)(i) of the Cooch Behar (Assimilation of State Laws) (Amendment) Act, 1955 (West Ben. Act XXI of 1955).

²These words within the square brackets were substituted with retrospective effect for the words “for “Naib Ahilkar of the subdivision”, substitute “Deputy Collector in charge of the subdivision”” by s. 2(a)(ii), *ibid.*



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*(Schedule I.)**Sections 37, 38, 39 and 40.—Omit these sections.***(3) The Cooch Behar Revenue Sales Act, 1897**
(Cooch Behar Act V of 1897).

*Throughout the Act.—*¹*[For "Naib Ahilkar" substitute "Deputy Collector, Sub-Collector or Sub-Deputy Collector, as the case may be,"]; for "Revenue Minister" substitute "Collector of the district"; for "Cooch Behar Gazette" substitute "Official Gazette"; for "Council" substitute "Board of Revenue, West Bengal"; and for "Civil and Sessions Judge" substitute "District Judge".*

*Long title.—*For "State" substitute "district".

*Section III.—*For "State" substitute "Government".

Omit the definition of Naib Ahilkar.

*Section IV.—*Omit 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)".

²*Section VI.—*For "shall, as soon as possible" substitute "being the Subdivisional Magistrate in charge of a subdivision, shall, as soon as possible,".

*Section VII(A).—*For "Revenue Officer" substitute "Collector"; for "State" substitute "Government"; for "Section 7 of the Cooch Behar Public Demands Recovery Act (II of 1899)" substitute "the Bengal Public Demands Recovery Act, 1913 (Ben. Act III of 1913)".

*Sections IX, XIII, XXI, XXVII, XXXII and XXXIII.—*For "State" substitute "Government".

*Section XVI.—*For "State" substitute "district".

³*Section XVIII.—*For the words beginning with "on the towjee or register in use" and ending with "being put up first", substitute "on the towjee or register in use in the office of the Deputy Collector, Sub-Collector or Sub-Deputy Collector, as the case may be, being put up first,".

¹These words within the square brackets were substituted with retrospective effect for the words 'for "Naib Ahilkar", substitute "Deputy Collector" ' by s. 2(b)(i) of the Cooch Behar (Assimilation of State Laws) (Amendment) Act, 1955 (West Ben. Act XXI of 1955).

²This entry relating to *Section VI* was inserted with retrospective effect by s. 2(b)(ii), *ibid.*

³This entry relating to *Section XVIII* was inserted with retrospective effect by s. 2(b)(iii), *ibid.*

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Section XXXVII.—[For "Naib Ahilkar may refer to any Sub-Naib Ahilkar subordinate to him" substitute "Deputy Collector, Sub-Collector or Sub-Deputy Collector, being the Sub-Divisional Magistrate in charge of a subdivision, may refer to any other Deputy Collector, Sub-Collector or Sub-Deputy Collector of the same station"]; in clause 3 omit "Sub-Naib Ahilkar".

²*Schedule A.*—For the words beginning with "the undermentioned jotes or shares of jotes" and ending with "office of that Sub-division" substitute "the undermentioned jotes or shares of jotes in the Sub-division of, district Cooch Behar, will be put up for sale at the office of the Deputy Collector/Sub-Collector/Sub-Deputy Collector (omit the words not applicable), being the Sub-divisional Magistrate in charge of that sub-division".

(4) The Kist Act, Cooch Behar, 1898
(Cooch Behar Act I of 1898).

Throughout the Act.—For "State" substitute "Government".

(5) The Cooch Behar Town Committee Act of 1903
(Cooch Behar Act IV of 1903).

Throughout the Act.—For "Cooch Behar Gazette" substitute "Official Gazette"; for "His Highness the Maharaja in Council" or "His Highness the Maharaja Bhup Bahadur in Council" substitute "State Government"; for "His Highness in Council" substitute "State Government".

Section V.—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 XI.—For "Fouzdari Ahilkar" substitute "District Magistrate"; for "State Engineer" substitute "Executive Engineer" for "Naib Ahilkars" substitute "Officers".

Section XIII.—For "the State" substitute "Government".

Section XV.—For "His Highness the Maharaja" substitute "State Government"; for "State Funds" substitute "Consolidated Fund of the State".

Section XVII.—For "His Highness the Maharaja" substitute "State Government".

¹These words were substituted with retrospective effect for the words "for the words "Naib Ahilkar may refer to any sub-Naib Ahilkar subordinate to him" substitute "Deputy Collector in charge of a subdivision may refer to any other Deputy Collector or any Sub-Deputy Collector of the same station" by s. 2(b)(iv) of the Cooch Behar (Assimilation of State Laws) (Amendment) Act, 1955 (West Ben. Act XXI of 1955).

²This entry relating to Schedule A was substituted with retrospective effect for the following previous entry, namely:—"*Schedule A.*—For "State", substitute "district", wherever it occurs" by s. 2(b)(v), *ibid.*

*The Cooch Behar (Assimilation of State Laws) Act, 1950.*

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(Schedule I.)

Section XX.—Omit “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.—For “The accounts of the Town Committee 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 accounts”.

Section XLIIIA.—For this section substitute the following:—

“Power and duties of Chaukidars appointed under this Act. *XLIIIA.* Chaukidars appointed under this Act shall exercise all the powers and perform all the duties and be subject to 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 or otherwise expressly provided for by this Act.”

Sections XLV and XLVI.—For “Fouzdari Ahilkar” substitute “District Magistrate”.

Section XLVII.—For “State” substitute “Government”.

Section L.—For “State” substitute “Government”.

Section XLVIII.—For “State” substitute “Government”.

Section LXLII.—For “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” substitute “Government”; in sub-section (8) for “State” substitute “Government”; in sub-section (9) for “State” substitute “Government”; omit sub-section (16); in sub-section (20) for “State”

*(Schedule I.)*

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 for "State" substitute "district".

Section 18A.—For "State" substitute "Government".

Section 34.—Omit "of the State".

Section 36.—In sub-section (1) for "His Highness in Council" substitute "State Government".

Section 39A.—In sub-section (1) omit "as introduced into the State".

Section 39B.—For "the Cooch Behar Limitation Act, 1921" substitute "any other law for the time being in force".

Section 41.—Omit "in force in the State".

Section 47.—"Civil Judge", where it occurs for the first time, substitute "District Judge, Additional Judge, or Subordinate Judge"; for "His Highness in Council" substitute "High Court"; in the proviso for "Civil Judge" 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".

Section 65.—In sub-section (3) after "appears" insert "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 "State" substitute "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 "District Judge"; for "Revenue Minister" substitute "Collector".

In Part III, for "Cooch Behar Limitation Act, 1921" substitute "Indian Limitation Act, 1908".

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(7) The Cooch Behar Municipal Act, 1944
(Cooch Behar Act II of 1944).

Throughout the Act.—For "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 1.—In sub-section (2) omit "after publication in the Cooch Behar Gazette with the assent of His Highness Maharaja Bhup Bahadur".

Section 4.—In sub-clause (b) of clause (10) for "His Highness the Maharaja Bhup Bahadur in Council" substitute "State Government".

Omit clause (15).

Section 15.—For clause (ii) of sub-section (2) substitute "(ii) is a citizen of India, and".

Section 25.—In sub-section (1) omit "and section 171J of the Cooch Behar Penal Code concerning an election under this Act"; in clause (c) of sub-section (1) omit "section 171J of the Cooch Behar Penal Code concerning an election under this Act and"; in sub-section (3) omit "and section 171J of the Cooch Behar Penal Code concerning an election under this Act".

Section 26.—In sub-section (1) 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 (1) for "His Highness the Maharaja Bhup Bahadur, his heirs and successors" substitute "the Union of India".

Section 60.—For "State" substitute "Government".

Section 63.—In sub-section (3) for "Cooch Behar Registration Act, 1921" substitute "Indian Registration Act, 1908".

Section 65.—In clause (c) for "State funds by His Highness the Maharaja Bhup Bahadur or by the Durbar" substitute "Consolidated Fund of the State".

Section 74.—For this section substitute the following:—

"Audit of accounts. 74. The accounts of the Municipal Funds shall be audited at such times and in such manner as the State Government may prescribe."

Section 122.—In the first proviso to sub-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 consisting of 80 tolas and one tola consisting of 180 grains; or
 - (ii) a standard cubit consisting of 18 inches for the measure of commodities other than land; or
 - (iii) both the weights and the measures of length mentioned in sub-clauses (i) and (ii) respectively;
- (b) providing standards of the weights and measures so prescribed;”

Section 191.—For sub-section (1) substitute—

- “(1) Where the Commissioners of any municipality have made by-laws under section 190 prescribing standard weights and measures to 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 maund, seer or tola or any cubit measure other than such as conform with the standard prescribed in the said by-laws.”

In sub-section (2) for the words “when such standard weights or measures or both are in force” substitute “when such order has been published”.

Section 193.—For “Cooch Behar Food Adulteration Act, 1941” substitute “Bengal Food Adulteration Act, 1919”.

Sections 221 and 234.—For “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 II.

[See section 3(3).]

- (1) The Bengal Land Revenue Sales Act, 1859 (XI of 1859).
- (2) The Bengal Land Revenue Sales Act, 1868 (Bengal Act VII of 1868).
- (3) The Village Chaukidari Act, 1870 (Bengal Act VI of 1870).
- (4) The Bengal Village Chaukidari Act, 1871 (Bengal Act I of 1871).
- (5) The Cess 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).