

# **The Commissions Of Inquiry (West Bengal Amendment) Act, 1974**

WEST BENGAL

India

## **The Commissions Of Inquiry (West Bengal Amendment) Act, 1974**

### **Act 51 of 1974**

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The Commissions Of Inquiry (West Bengal Amendment) Act, 1974 West Bengal Act 51 of 1974 [12th December, 1974.] Assent of the President was first published in the Calcutta Gazette, Extraordinary, dated the 12th December, 1974. An Act to amend the Commissions of Inquiry Act, 1952, in its application to West Bengal. Whereas it is expedient to amend the Commissions of Inquiry Act, 1952, in its application to West Bengal, for the purpose and in the manner hereinafter appearing; It is hereby enacted as follows:-

#### **1. Short title. -**

This Act may be called the Commissions of Inquiry (West Bengal Amendment) Act, 1974.

#### **2. Application. -**

The Commissions of Inquiry Act, 1952 (hereinafter referred to as the said Act), shall, in its application to West Bengal, be amended in the manner hereinafter provided.

#### **3. Insertion of new section 5AA in Act 60 of 1952. -**

After section 5 of the said Act, the following section shall be inserted, namely:- "5AA. Power to authorise a Commission to try certain offences summarily. - (1) Where the person or, as the case may be, one at least of the persons constituting a Commission appointed by the State Government is a person who is holding or has held the office of a Judge of the Supreme Court or of a High Court or any other judicial office not lower in rank than that of a Sessions Judge and the State Government is of opinion that, having regard to the nature of inquiry to be made and other circumstances of the case, the provisions of this section should be made applicable to such Commission, the State

Government may, by notification in the Official Gazette, direct that the provisions of this section shall apply to that Commission and on the issue of such a notification, the said provisions shall apply accordingly.(2)If at any stage of a proceeding before the Commission it appears to the Commission that any person appearing in such proceeding had knowingly or wilfully given false evidence or had fabricated false evidence with the intention that such evidence should be used in such proceeding, the Commission may, if satisfied that it is necessary and expedient in the interest of justice that the person should be tried summarily for giving or fabricating, as the case may be, false evidence, take cognizance of the offence and may, after giving the offender a reasonable opportunity of showing cause why he should not be punished for such offence, try such offender summarily, so far as may be, in accordance with the procedure prescribed for summary trials under the Code of Criminal Procedure, 1973 and sentence him to imprisonment for a term which may extend to three months, or to fine which may extend to five hundred rupees, or to both.(3)When any such offence as is described in section 175, section 178, section 179 or section 180 of the Indian Penal Code is committed in the view or presence of the Commission, the Commission may cause the offender to be detained in custody and may, at any time on the same day, take cognizance of the offence and, after giving the offender a reasonable opportunity of showing cause why he should not be punished under this section, sentence the offender to simple imprisonment for a term which may extend to one month, or to fine which may extend to five hundred rupees, or to both.(4)In every case tried under sub-section (3), the Commission shall record the facts constituting the offence with the statement (if any) made by the offender as well as the finding and the sentence.(5)Any person convicted on a trial held under sub-section (2) or sub-section (3) may appeal to the High Court and the provisions of Chapter XXIX of the Code of Criminal Procedure, 1973, shall, so far as they are applicable, apply to appeals under this section, and the Appellate Court may alter or reverse the finding, or reduce or reverse the sentence appealed against.(6)The provisions of this section shall have effect notwithstanding anything contained in the Code of Criminal Procedure, 1973 or in sub-section (4) of section 5 but nothing in this section shall affect the power (if any) of the Commission to proceed under sub-section (4) of section 5 in respect of any offence, where it does not choose to proceed under this section.(7)Words and expressions used in this section and not defined in this Act shall have the same meanings as in the Code of Criminal Procedure, 1973."

#### **4. Repeal and savings. -**

(1)The Commissions of Inquiry (West Bengal Amendment) Ordinance, 1974, is hereby repealed.(2)Anything done or any action taken under the said Act as amended by the Commissions of Inquiry (West Bengal Amendment) Ordinance, 1974, shall be deemed to have been validly done or taken under the said Act as amended by this Act as if this Act had commenced on the 24th day of June, 1974.