

COOCH BEHAR (ASSIMILATION OF LAWS) ACT, 1950

67 of 1950

[7th December, 1950.]

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STATEMENT OF OBJECTS AND REASONS "With effect from the 1st Jan., 1950, the former Indian State of Cooch-Bihar has been merged into, and constituted a district of, West Bengal, by the States' Merger (West Bengal) Order, 1949. This merger, however, did not by itself effect any change in the body of laws to which the former Indian State of Cooch-Bihar was subject before the commencement of the Order. Consequently, the laws in force in Cooch-Bihar continue to be the same as before, that is, either the laws of the former State of Cooch-Bihar or the laws applied by Orders made under the Extra-Provincial Jurisdiction Act, 1947, after the date on which the administration was taken over and before the 1st January, 1950. This position is highly unsatisfactory and it is obviously desirable to assimilate the laws in force in Cooch-Bihar to the laws in force in the rest of West Bengal. Hence, this Bill. 2. This Bill covers matters relating to the Union and Concurrent Lists. It is clear that a complete assimilation of laws can only be effected by simultaneous legislation by the Centre and the State of West Bengal. It is also desirable that the Central Act and the State Act should come into force on the same day. Necessary steps are being taken in this behalf and the Government of West Bengal will be requested to bring their corresponding legislation into force on the 'appointed Day'." -Gaz. of ind. 12-8-1950, Part II S.2, p. 301.

1. Short title and commencement :-

(1) This Act may be called' the Cooch-Bihar (Assimilation of Laws) Act, 1950.

(2) It shall come into force on such date¹ as the Central Government may, by notification in the Official Gazette, appoint.

2. Interpretation :-

In this Act,-

(b) "Cooch-Bihar" means the merged territory of Cooch-Bihar in the State of West Bengal;

(c) "law" means so much of any Act, Ordinance, Regulation, Rule, Order or Bye-law as relates to any of the matters enumerated in Lists I and III in the Seventh Schedule to the Constitution.

3. Assimilation of laws :-

(1) Save as provided in sub-section (2), all 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-Bihar shall, as from that day, extend to, or as the case may be, come into force in, Cooch-Bihar; and all laws which, immediately before the appointed day, are in force in Cooch-Bihar, but not in the rest of West Bengal, shall on that day cease to be in force in Cooch-Bihar, except as respects things done or omitted to be done before that day

. .

4. Provision for removal of difficulties :-

If any difficulty arises in relation to the transition under section 3 from one law or group of laws to another law or group of laws, the Central Government may, by order notified in the Official Gazette, make such provision as it considers necessary for the removal of such difficulty.