

# West Bengal Act IX of 1950

## THE CALCUTTA SPECIAL TRIBUNAL (CHANGE OF COMPOSITION) ACT, 1950.

[Passed by the West Bengal Legislature.]

[Assent of the President was first published in the *Calcutta Gazette, Extraordinary*, of the 15th March, 1950.]

*An Act to provide for a change in the composition of the First Special Tribunal at Calcutta.*

WHEREAS it is expedient to provide for a change in the composition of the First Special Tribunal at Calcutta, with a view to expediting the disposal of cases pending before it;

It is hereby enacted as follows:—

1. (1) This Act may be called the Calcutta Special Tribunal (Change of Composition) Act, 1950.

Short title and commencement.

(2) It shall come into force on the date on which the Calcutta Special Tribunal (Change of Composition) Ordinance, 1950, ceases to operate.

West Ben. Ord. I of 1950.

2. In this Act,—

Definitions.

(a) “the principal Ordinance” means the Criminal Law Amendment Ordinance, 1943, as modified by the Bengal Special Tribunal (Continuance) Act, 1946;

(b) “the Tribunal” means the Special Tribunal sitting at Calcutta known as the First Special Tribunal at Calcutta.

Ord. No. XXIX of 1943. Ben. Act XII of 1946.

3. (1) As from the commencement of this Act, the principal Ordinance shall apply in relation to the Tribunal and to the cases not disposed of by it before the commencement of this Act subject to the following modifications, namely:—

Change of composition of the Tribunal.

(a) in sub-section (1) of section 4, for the words “three members” the words “two members” shall be substituted;

(b) sub-section (1A) of section 6 shall be omitted; and

(c) for sub-section (4) of section 6, the following sub-section shall be substituted:—

“(4) In the event of a difference of opinion among the members of the Special Tribunal as to the finding, sentence or order to be passed in a case,—

(a) the President shall report to the State Government, and notwithstanding anything contained in sub-section (1) of section 4, the State Government shall appoint to the Special Tribunal a third member who shall be a person qualified under clause (2) of article 217 of the Constitution of India, for appointment as a Judge of a High Court;

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(Section 4.)

- (b) the Special Tribunal as so constituted shall re-hear the prosecutor and the accused or his pleader (but not any witness who has given evidence), and deliver judgment in the case; and
- (c) in the event of any difference of opinion among the members of the Special Tribunal as so constituted, the opinion of the majority shall prevail."

(2) Notwithstanding the change in the composition of the Tribunal effected by sub-section (1), it shall not be necessary for the Tribunal to recommence any proceedings or to recall and re-hear any witness who has given evidence before such change, and it shall be lawful for the Tribunal to act on the evidence already recorded by or produced before it.

Savings and validation.

4. Anything done or any action taken in exercise of any power conferred by or under the Calcutta Special Tribunal (Change of Composition) Ordinance, 1950, shall, on the said Ordinance ceasing to operate, be deemed to have been done or taken in exercise of the powers conferred by or under this Act as if this Act had commenced on the 11th day of January, 1950,

West Ben. Ord. I of 1950.