

# West Bengal Act XII of 1948

## THE CORPORATION OF CALCUTTA (INVESTIGATION COMMISSION) ACT, 1948.

[Passed by the West Bengal Legislature.]

[Assent of the Governor-General was first published in the *Calcutta Gazette, Extraordinary*, of the 15th April, 1948.]

An Act to provide for the appointment of a Commission to investigate certain matters relating to the Corporation of Calcutta, and for certain other matters connected therewith.

WHEREAS it is expedient to provide for the appointment of a Commission to investigate certain matters relating to the Corporation of Calcutta, and for certain other matters connected therewith;

It is hereby enacted as follows:—

1. (1) This Act may be called the Corporation of Calcutta (Investigation Commission) Act, 1948. Short title and extent.

(2) It extends to the whole of West Bengal.

2. In this Act the expressions "Calcutta" and "the Corporation of Calcutta" have the same meanings as in the Calcutta Municipal Act, 1923. Definitions.

Ben. Act  
III of  
1923.

3. The Provincial Government may, by notification in the *Official Gazette*, constitute a Commission to be called the Corporation of Calcutta Investigation Commission (hereinafter referred to as the Commission) whose duties it shall be— Constitution and functions of Commission.

- (a) to investigate and report to the Provincial Government on all matters relating to the finances and administration of the Corporation of Calcutta and the working of the Calcutta Municipal Act, 1923;
- (b) to make recommendation for improving the finances and administration of the Corporation of Calcutta, removing abuses in relation thereto, if any, and amending the Calcutta Municipal Act, 1923, if necessary, for ensuring better administration.

4. (1) The Commission shall consist of a Chairman (being a person who is or has been a Judge of a High Court) and two other Commissioners, appointed by the Provincial Government. Composition of Commission.

(2) On the occurrence from any cause of a vacancy among the Commissioners, the Provincial Government may, if it thinks fit, appoint a person to fill the vacancy.

Act V of  
1908.

5. (1) The Commission shall have power to administer oaths, and shall have all the powers of a Civil Court under the Code of Civil Procedure, 1908, for the purposes of taking evidence on oath, enforcing the attendance of any person whom it considers necessary to examine, compelling the production of documents and issuing commissions or letters of request for the examination of witnesses, and shall be deemed to be a Civil Court for all the purposes of section 195 and Chapter Powers of Commission.

(Section 6.)

XXXV of the Code of Criminal Procedure, 1898, and any reference in the said Chapter to the presiding officer of a Court shall be deemed to include a reference to the Chairman of the Commission. Act V of 1898.

(2) If it appears to the Commission that it is necessary to examine any accounts or documents, or to investigate any particular matter which it cannot itself conveniently examine or investigate, the Commission may authorise any person qualified in its opinion to make such examination or investigation to examine such accounts or documents or to investigate such particular matter and to interrogate for that purpose any person having charge or custody of such accounts or documents, or having knowledge of such particular matter and to make a report to the Commission; any person having charge or custody of such accounts or documents shall be bound to produce them to the person so authorised and to give such person any information in respect thereof which the person so authorised may require; and any person having knowledge of such particular matter shall be bound to give to the person so authorised any information in respect thereof which such person may require. The Commission may make such use of the report as it thinks fit.

(3) (a) The Commission may require the Corporation of Calcutta or any person who is or was a Councillor or an Alderman or any officer or servant of the Corporation of Calcutta to furnish any return, document, plan, estimate, statement, account, statistics, information or report and the Corporation of Calcutta or such Councillor or Alderman or such officer or servant shall be bound to comply with such requisition without delay.

(b) The powers conferred by this sub-section shall be in addition to and not in derogation of the powers conferred by sub-section (1) and sub-section (2).

(4) The Commissioners and all persons authorised by the Commission under sub-section (2) shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860.

Procedure  
of Commis-  
sion.

6. (1) The Commission shall, subject to the provisions of this Act, have power to regulate its own procedure (including the fixing of places and times of its sittings and deciding whether to sit in public or in private) and may act notwithstanding the temporary absence of any Commissioner or Commissioners or a vacancy in the number of the Commissioners.

(2) In making an investigation under clause (a) of section 3, the Commission shall act in accordance with the principles of natural justice and shall follow as far as practicable the principles of the Indian Evidence Act, 1872. Act XLV of 1860.

(3) Except with the previous sanction of the Provincial Government,—

(a) no suit, prosecution or other legal proceeding shall be instituted against any person in any Civil or Criminal Court for any evidence given by him in any proceedings before the Commission, and

Act XLV  
of 1860.

I of 1872.

XII of 1948.]

(Sections 7, 8.)

(b) no evidence so given shall be admissible in evidence against such person in any suit, prosecution or other proceeding before such Court.

(4) No document shall be inadmissible in any proceedings before the Commission on the ground that it is not duly stamped or registered.

7. No act or proceeding of the Commission or of any person authorised by it under sub-section (2) of section 5 shall be called in question in any manner by or in any Court and no suit, prosecution or other legal proceeding shall lie against the Crown or any Commissioner or any other person for anything done or intended to be done under this Act. Bar of jurisdiction.

8. The Provincial Government may, by notification in the *Official Gazette*, make rules for carrying out the purposes of this Act. Power to make rules.