

The



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PART IVA.—Bills introduced in the West Bengal Legislative Assembly; Reports of Select Committees presented or to be presented to that Assembly, and Bills published before introduction in that Assembly.

GOVERNMENT OF WEST BENGAL.

Legislative Department.

NOTIFICATION.

No. 3176L. — 10th December, 1954. — The Governor having been pleased to order under Rule 48 of the West Bengal Legislative Assembly Procedure Rules, the publication of the following Bill, together with the Statement of Objects and Reasons which accompanies it, in the *Calcutta Gazette*, the Bill and the Statement of Objects and Reasons are accordingly hereby published for general information:—

THE WEST BENGAL LAND REFORMS BILL, 1955.

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THE WEST BENGAL LAND REFORMS BILL, 1955.

A

BILL

to reform the law relating to land tenure consequent on the vesting of all estates and of certain rights therein in the State.

It is hereby enacted in the Sixth Year of the Republic of India, by the Legislature of West Bengal, as follows:—

CHAPTER I.

Preliminary.

Short title, extent and commencement.

1. (1) This Act may be called the West Bengal Land Reforms Act, 1955.

(2) It extends to the whole of West Bengal except the areas described in Schedule I of the Calcutta Municipal Act, 1951, as deemed to have been amended under section 594 of that Act.

West Ben. Act XXXIII of 1951.

(3) This section shall come into force at once and the remaining provisions of this Act, in whole or in part, shall come into force on such date or dates and in such district or part of a district as the State Government may from time to time by notification in the *Official Gazette* specify.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(1) "agricultural year" means the Bengali year commencing on the first day of *Baisakh*;

(2) "*bargadar*" means a person who under the system generally known as *adlut*, *barga* or *bhag* cultivates the land of another person on condition of delivering a share of the produce of such land to that person;

(3) "*bona fide* cultivator" means a person who cultivates his own land by his own labour or by the labour of any member of his family or by servants or labourers on wages payable in cash or kind or both; and includes a person who is entitled to retain in *khas* possession any agricultural land under the provisions of the West Bengal Estates Acquisition Act, 1953;

West Ben. Act I of 1954.

(4) "certificate" means a certificate signed under the Bengal Public Demands Recovery Act, 1913;

Ben. Act III of 1913.

(5) "Collector" means the Collector of a district or any other officer appointed by the State Government to discharge any of the functions of a Collector under this Act;

(6) "consolidation" includes re-arrangement of parcels of land comprised in a holding or in different holdings for the purpose of rendering such holding or holdings more compact;

(7) "holding" includes a parcel or parcels of land or an undivided share thereof held by a *raiyat*;

(8) "land" means agricultural land and includes homesteads, tanks, wells and water channels;

(9) "prescribed" means prescribed by rules made by the State Government under this Act;

(10) "*raiyat*" means a person who holds or is deemed to hold land directly under the State Government for purposes of agriculture and includes also successors in interest of such a person;

(11) "rent" means whatever is lawfully payable or deliverable in money or kind or both by a *raiyat* in respect of the land held by him;

(12) "Revenue Officer" means any officer whom the State Government may appoint by name or by virtue of his office to discharge any of the functions of a Revenue Officer in any area.

*The West Bengal Land Reforms Bill, 1955.**(Chapter I.—Preliminary.—Clause 3.—Chapter II.—Raiyats.
—Clauses 4—6.)*Act to
override
other
laws, etc.

3. The provisions of this Act shall have effect notwithstanding anything in any other law or any custom or usage or in any contract expressed or implied inconsistent with the provisions of this Act.

CHAPTER II.

*Raiyats.*Obligation
of *raiya*
to pay
rent.

4. Save as provided in this Act, every *raiya* shall be liable to pay such rent for his holding as may be determined in accordance with the provisions of this Act:

Provided that the State Government may, after such enquiry as it may consider necessary into the validity of any claim to hold any land free of rent or at a rent fixed in perpetuity, allow such a claim or disallow it.

Rights of
raiya in
respect of
land.

5. A *raiya* shall have the right to use the land comprised in his holding in any manner consistent with the purposes of agriculture and for such purposes to plant and fell trees, to erect dwelling houses together with any out-houses and offices for his use and occupation, to construct wells, tanks, water channels and other works for the storage, supply or distribution of water and to make any improvement on it.

Grounds
for
eviction of
a *raiya*.

6. A *raiya* shall not be ejected from his holding except in execution of an order made by the Revenue Officer on one or more of the following grounds, namely:—

- (a) that he has, without any reasonable cause, not used the land or a substantial part of it for purposes mentioned in section 5 or allowed the land or a substantial part of it to lie fallow for four consecutive years;
- (b) that he has done any act in contravention of the provisions of this Act.

Transfer-
ability of
holding of
a *raiya*.

7. (1) The holding of a *raiya* or a share or portion thereof shall, subject to the provisions of this Act, be capable of being transferred.

(2) Every such transfer shall be made by a registered instrument and the registering officer shall not accept for registration any such instrument unless—

- (a) the sale price, or where there is no sale price, the value of the holding or portion or share thereof transferred, is stated therein; and
- (b) there is tendered along with it,
 - (i) a notice giving the particulars of the transfer in the prescribed form for transmission to the prescribed authority;
 - (ii) such notices and process fees as may be required by sub-section (5).

(3) In case of bequest of such holding or portion or share thereof, no court shall grant Probate or Letters of Administration until the applicant files in the prescribed form a notice giving particulars of the bequest for transmission to the prescribed authority.

(4) No Court or Revenue Officer shall confirm the sale of such a holding or portion or share thereof put to sale in execution of a decree or certificate and no Court shall make a decree or order absolute for foreclosure of a mortgage of such a holding or portion or share thereof, until the purchaser or the mortgagee, as the case may be, files a notice or notices similar to, and deposits process fees of the same amount as that referred to in sub-section (2).

(5) If the transfer of a portion or share of such a holding be one to which the provisions of section 11 apply, there shall be filed by the transferor or transferee notices giving particulars of the transfer in the prescribed form together with the process fees prescribed for the service thereof on all the co-sharers of the said holding who are not parties to the transfer and for affixing a copy thereof in the office of the registering officer or the Court house or the office of the Revenue Officer, as the case may be, as well as for affixing a copy on the holding.

*The West Bengal Land Reforms Bill, 1955.**(Chapter II.—Raiyats.—Clauses 8—11.)*

(6) The Court, the Revenue Officer or the registering officer, as the case may be, shall transmit the notice to the authority referred to in sub-clause (i) of clause (b) of sub-section (2) who shall serve the notices on the co-sharers referred to in sub-section (5) by registered post and shall cause copies of the notice to be affixed on the holding and in the Court house and in the office of the Revenue Officer, or of the registering officer, as the case may be.

Explanation.—In this section—

- (a) “transferor”, “purchaser” and “mortgagee” include their successors-in-interest, and
 (b) “transfer” does not include partition or simple or usufructuary mortgage or mortgage by conditional sale.

Limitation on transfer.

8. (1) In all cases of transfer mentioned in section 7, the State Government shall be entitled, subject to the provisions of section 11, to take over, by order made in this behalf,—

- (a) any land held by the transferee after the transfer in excess of thirty-three acres in the aggregate, when the transferee is a *bona fide* cultivator,
 (b) the entire land transferred, when the transferee is not a *bona fide* cultivator, or when the State Government is satisfied that the transferee does not intend to cultivate the land.

(2) In all cases where the State Government takes over any land under sub-section (1), there shall be paid to the transferee as compensation an amount equal to the market value of the interest of the transferor in the land on the date of the transfer.

Restriction on subletting.

9. After this Act comes into force no *raiyyat* shall sublet the whole or any part of his holding.

Limitation on mortgage of *raiyyat* holdings.

10. (1) A mortgage by a *raiyyat* of his holding or any share thereof other than—

- (a) a simple mortgage, or
 (b) a usufructuary mortgage for a period not exceeding fifteen years,

shall be void.

(2) A usufructuary mortgage referred to in clause (b) of sub-section (1) may be redeemed at any time before the expiry of the period.

Right of purchase by co-sharer or contiguous tenant.

11. (1) If a portion or share of a holding of a *raiyyat* is transferred to any person other than a co-sharer in the holding, any co-sharer *raiyyat* of the holding may, within three months of the service of the notice given under sub-section (6) of section 7, or any *raiyyat* possessing land adjoining such holding may, within four months of the date of such transfer, apply to the Revenue Officer specially empowered by the State Government in this behalf, for transfer of the said portion or share of the holding to him, subject to the limit mentioned in sub-section (1) of section 8, on deposit of the consideration money together with a further sum of ten per cent. of that amount:

Provided that if a co-sharer *raiyyat* and a *raiyyat* possessing land adjoining such holding both apply for such transfer, the former shall have the prior right to have such portion or share of the holding transferred to him, and in each a case, the deposit made by the latter shall be refunded to him:

Provided further that as amongst *raiyyats* possessing lands adjoining such holding preference shall be given to the *raiyyat* having the longest common boundary with the land transferred.

(2) Nothing in this section shall apply to—

- (a) a transfer by exchange or by partition, or,
 (b) a transfer by bequest or gift, or,
 (c) a usufructuary mortgage mentioned in section 10, or,
 (d) a transfer for charitable purposes without reservation of any pecuniary benefit for any individual.

The West Bengal Land Reforms Bill, 1955.

(Chapter II.—Raiyats.—Clauses 12—15.)

Revenue Officer to allow the application and apportion lands in certain cases.

12. (1) On the deposit mentioned in sub-section (1) of section 11 being made, the Revenue Officer shall give notice of the application to the transferee, and shall also cause a notice to be affixed on the land for the information of persons interested. On such notice being served, the transferee or any person interested may appear within the time specified in the notice and prove the consideration money paid for the transfer and other sums, if any, properly paid by him in respect of the lands including rent, cesses or taxes for any period subsequent to the date of transfer. The Revenue Officer may after such enquiry as he considers necessary direct the applicant to deposit such further sum, if any, within the time specified by him and on such sum being deposited, he shall make an order that the amount of the consideration money together with such other sums as are proved to have been paid by the transferee or the person interested plus ten *per cent.* of the consideration money be paid to the transferee or the person interested out of the money in deposit, the remainder, if any, being refunded to the applicant. The Revenue Officer shall then make a further order that the portion or share of the holding be transferred to the applicant and on such order being made, the portion or share of the holding shall vest in the applicant.

(2) When any person acquires the right, title and interest of the transferee in such holding by succession or otherwise, the right, title and interest acquired by him shall be subject to the right conferred by sub-section (1) of section 11 on a co-sharer *raiyyat* or a *raiyyat* possessing land adjoining the holding.

(3) In making an order under sub-section (1) in favour of more than one co-sharer *raiyyat* or *raiyyat* holding adjoining land, the Revenue Officer may apportion the portion or share of the holding in such manner and on such terms as he deems equitable.

(4) Where any portion or share of a holding is transferred to the applicant under sub-section (1), such applicant shall be liable to pay all arrears of rent in respect of such portion or share of the holding that may be outstanding on the date of the order.

(5) The Revenue Officer shall send a copy of his order to the prescribed authority for correction of the record-of-rights.

Consequences of an order for transfer.

13. On an order under section 12 being made—

(a) the right, title and interest of the *raiyyat* and of the transferee or of the person mentioned in sub-section (2) of section 12 who acquires any right, title and interest in the holding shall vest in the *raiyyat* whose application for transfer has been allowed by the Revenue Officer,

(b) the *raiyyat* whose application has been so allowed shall be liable for any rent accruing from the date of the order.

Diluviated lands.

14. (1) If the holding of a *raiyyat* or a portion of it is lost by diluvion, the rent of the holding shall, on application made by the *raiyyat* in the prescribed form to the Revenue Officer, be remitted or abated by an amount which, in the opinion of the Revenue Officer, is fair.

(2) The right, title and interest of the *raiyyat* shall subsist in such holding or portion thereof for a period not exceeding twenty years and the *raiyyat* shall on its reappearance at any time within that period have the right to possession thereof and be liable to pay such rent as in the opinion of the Revenue Officer is fair.

Right in land gained by recess of river or sea.

15. When any land has been gained by gradual accession to any holding whether from the recess of a river or of the sea, it shall form an addition thereto and the *raiyyat* who owns the holding shall be liable to pay such rent on reassessment as may be determined by the Revenue Officer:

Provided that a *raiyyat* shall be entitled to retain only so much of land so gained which together with his other lands

*The West Bengal Land Reforms Bill, 1955.**(Chapter II.—Raiyats.—Clause 16.—Chapter III.—**Bargadars.—Clauses 17—20.)*

does not exceed thirty-three acres, and the remainder, if any, of the land gained by accession shall vest in the State Government free from all encumbrances.

Restriction on alienation of land by scheduled tribes.

16. (1) Except in the following cases, the transfer of the holding or part of the holding of a *raiayat* belonging to a scheduled tribe shall be void:—

- (a) a transfer to a person belonging to a scheduled tribe;
- (b) a transfer to a person not belonging to a scheduled tribe when such transfer is made with the previous permission of the Revenue Officer.

(2) The holding or part of the holding of a *raiayat* belonging to a scheduled tribe which is transferred in contravention of the provisions of clauses (a) and (b) of sub-section (1) shall be forfeited to the State Government.

CHAPTER III.

Bargadars.

Share of produce payable by a *bargadar*.

17. The produce of any land cultivated by a *bargadar* shall be divided in the proportion of 60: 40, as between the *bargadar* and the person whose land he cultivates, and the *bargadar* shall deliver to such person the share of the produce payable to him within the prescribed period.

Termination of cultivation by *bargadar*.

18. (1) No person whose land is cultivated by a *bargadar* shall be entitled to terminate such cultivation by the *bargadar* except in execution of an order made by the Revenue Officer on one or more of the following grounds, namely:—

- (a) that he requires the land *bona fide* for cultivation by himself or by members of his family or by servants;
- (b) that the *bargadar* has without any reasonable cause failed to cultivate the land during any year;
- (c) that the land is not under the personal cultivation of the *bargadar*;
- (d) that the *bargadar* has contravened any provision of this Act.

(2) No *bargadar* shall be entitled to cultivate by himself or by members of his family or through *benamdar*s more than thirty-three acres of land. In computing this area, any land owned by the *bargadar* as well as the land cultivated by him as a *bargadar* shall be taken into account.

(3) If a *bargadar* cultivates land in excess of thirty-three acres, the share of the produce due to him as a *bargadar* in respect of the land in excess of thirty-three acres shall be forfeited to the State Government by order made by the Revenue Officer.

Jurisdiction of Revenue Officer to decide certain disputes.

19. (1) Every dispute between a *bargadar* and the person whose land he cultivates in respect of any of the following matters, namely:—

- (a) division or delivery of the produce,
- (b) termination of cultivation by the *bargadar*,

shall be decided by the Revenue Officer having jurisdiction over the area within which such land is situated.

(2) If in deciding any dispute referred to in sub-section (1), any question arises as to whether a person is a *bargadar* or not and to whom the share of the produce is deliverable, such question shall be determined by the Revenue Officer.

Appeal.

20. An appeal shall lie within the prescribed period to an Appellate Officer to be appointed by the State Government against any order of the Revenue Officer made under this Chapter, except where such order was made with the consent of the parties to the dispute.

The West Bengal Land Reforms Bill, 1955.

(Chapter III.—Bargadars.—Clauses 21, 22.—Chapter IV.—
Provisions as to rent.—Clauses—23—26.)

Procedure
and
execution.

21. (1) The procedure to be followed by the Revenue Officer or by an Appellate Officer in deciding disputes or appeals shall be as may be prescribed.

(2) An order made by the Revenue Officer or by an Appellate Officer shall be executed by the Revenue Officer in such manner as may be prescribed.

(3) No order made by the Revenue Officer or an Appellate Officer for the ejection of a *bargadar* shall be executed except during the months of *Chaitra* and *Baisakh* of the Bengali year.

Bar of
jurisdiction.

22. (1) No order or other proceedings whatsoever of a Revenue Officer or of an Appellate Officer under this Chapter and no proceedings whatsoever in execution of such order shall be questioned in any Court.

(2) No Court shall entertain any suit or any proceedings whatsoever in respect of a matter required under sub-section (1) of section 19 to be decided by a Revenue Officer referred to in that sub-section.

(3) The State Government shall appoint officers to discharge the functions of Revenue Officers under this Chapter in specified areas and on such appointments being made all proceedings pending before any *Bhagchas* Conciliation Boards established under the West Bengal *Bargadars* Act, 1950, shall be deemed to be transferred to the Revenue Officer having jurisdiction over the area for which such Board was established.

West Ben.
Act II
of 1950.

CHAPTER IV.

Provisions as to rent.

Liability
to pay
rent.

23. (1) Rent shall be the first charge on a holding.

(2) Subject to the provisions of this Act, every *raiyat* shall pay rent either in cash or in kind or partly in cash and partly in kind as may be fixed in accordance with the provisions of this Act and such rules as may be framed under this Act:

Provided that until rent has been so fixed, the *raiyat* shall be liable to pay rent which was payable by him at the commencement of this Act.

Determina-
tion of
rent-rates.

24. (1) The State Government may make an order directing the Revenue Officer—

(a) to determine the rent-rates for any district or part of a district in accordance with such rules as may be prescribed;

(b) to settle fair and equitable rents for each *raiyat* in such district or part of a district after the rent-rates have been prepared and confirmed under this Chapter.

(2) A notification in the *Official Gazette* of an order under this section shall be conclusive evidence that the order has been duly made.

Procedure
of deter-
mining
rent-rates.

25. When an order is made under clause (a) of sub-section (1) of section 24, the Revenue Officer may, for the purpose of determining the rent-rates, divide a district into units of area according to such rules as may be prescribed and shall then determine the rent-rates for different classes of lands in each such unit of area in the manner and according to the principles prescribed.

Publica-
tion and
confirma-
tion of
table of
rent-rates.

26. (1) When the Revenue Officer has determined the rent-rates he shall prepare a table of rent-rates showing the rates of rent payable in cash and in kind in the prescribed form and cause it to be published in the prescribed manner and for the prescribed period.

*The West Bengal Land Reforms Bill, 1955.**(Chapter IV.—Provisions as to rent.—Clauses 27—30.)*

(2) Any person objecting to any entry in the table of rent-rates may present a petition in writing to the Revenue Officer during the period of publication and the Revenue Officer shall consider any such petition after giving a hearing to the objector.

(3) The Revenue Officer shall submit the table of rent-rates to such Revenue Authority as may be prescribed together with—

- (a) a full statement of the grounds in support of his proposals;
- (b) a summary of the objections, if any; and
- (c) his decisions on such objections.

(4) Such Revenue Authority may, after hearing objections, if any, which have been disallowed by the Revenue Officer,—

- (a) confirm the table of rent-rates submitted to him under sub-section (3) with or without modification but so as not to increase the rates, or
- (b) remit the table of rent-rates to the Revenue Officer for revision if he is of the opinion that the rates should be enhanced:

Provided that the Revenue Authority shall not confirm a table of rent-rates without the previous approval of the State Government.

(5) Pending the hearing of objections referred to in sub-section (4) by the Revenue Authority, the table of rent-rates shall be open to inspection in his office by persons interested on payment of the prescribed fees.

Rates shown as the maximum.

27. (1) The rent-rate for any class of land in any unit of area as determined under section 26 shall, subject to the provisions of section 30, be the maximum rate at which the rent of a *raiyat* holding land of that class in such area may be settled.

(2) After the table of rent-rates has been confirmed by the Revenue Authority under sub-section (4) of section 26, it shall be published in the prescribed manner.

Rates of rent, etc., to form part of record-of-rights.
Duration of rent-rates.

28. The table of rent-rates determined under this Chapter shall be incorporated in the prescribed manner in the village record-of-rights maintained under Chapter VI.

29. When the table or tables of rent-rates for any district or part of a district have been published, the rates indicated therein shall not, save as provided in section 33, be altered until a period of fifteen years has elapsed from the date of confirmation of such table or tables.

Settlement of fair and equitable rent.

30. (1) After a table of rent-rates has been prepared and published, the Revenue Officer shall proceed to settle the rents payable by each *raiyat* in the area to which the table of rent-rates applies and prepare a rent-roll in accordance with the rates indicated in the table, and containing such particulars as may be prescribed.

(2) In settling the rent of each *raiyat*, the Revenue Officer shall give him the option to declare whether he would pay the rent in cash or in kind (paddy) or in both. The option so exercised by the *raiyat* will not be allowed to be altered during a period of fifteen years.

(3) In settling rents, the Revenue Officer shall, subject to such further provisions as may be prescribed in this behalf, observe the following principles, namely:—

the aggregate of all lands held by a *raiyat* shall be deemed to constitute the holding of such *raiyat*

*The West Bengal Land Reforms Bill, 1955.**(Chapter IV.—Provisions as to rent.—Clauses 31, 32.)*

and settlement of rent of such holding shall be made—

- (i) in respect of any land comprised in the holding on which paddy is grown in accordance with the following scale, namely:—

Area of land in the holding.	Rate of rent.
For the first 2 acres ..	(a) In the case of <i>raiyats</i> who pay rent in kind—Nil. (b) In the case of <i>raiyats</i> who pay rent in cash or partly in cash and partly in kind—Ten <i>per centum</i> of the rent-rate.
For the next 3 acres ..	Twenty five <i>per centum</i> of the rent-rate.
For the next 5 acres ..	Fifty <i>per centum</i> of the rent-rate.
For the next 5 acres ..	Sixty-two and half <i>per centum</i> of the rent-rate.
For the next 10 acres ..	Seventy-five <i>per centum</i> of the rent-rate.
For the remainder ..	<i>Cent. per centum</i> of the rent-rate.

- (ii) in respect of other lands comprised in the holding, at the rent-rate applicable to such class of lands;
(iii) when the lands belonging to a *raiyat* are of different classes or when such lands are situated in different units of area the settlement of the rent of the holding comprising such lands shall be made by applying the average of the rent rates which are applicable to the different classes, or to the different units of area in which the lands are situated.

(4) The State Government may appoint one or more Revenue Officers for the whole of West Bengal, to be called Special Revenue Officers, to settle the rents payable by *raiyats* having lands in areas under the jurisdiction of more than one Revenue Officer and such Revenue Officer shall in settling the rents payable by such *raiyats* follow the provisions of sub-sections (2) and (3). Such Special Revenue Officers shall have all the powers and discharge all the duties of Revenue Officers under this Chapter.

Draft
and final
publica-
tion of
rent-roll.

31. (1) When a rent-roll has been prepared, the Revenue Officer shall cause a draft of it to be published in the prescribed manner and for the prescribed period and shall receive and consider any objection made to any entry therein or any omission therefrom during the period of publication and shall dispose of such objection in the manner prescribed.

(2) When all such objections have been considered and disposed of, the Revenue Officer shall finally frame the rent-roll and publish it in the prescribed manner and make a certificate stating the fact of such final publication and the date thereof and subscribe the same under his name and official designation.

(3) Any person aggrieved by an order passed by a Revenue Officer on any objection made under sub-section (1) may appeal in the prescribed manner to the prescribed authority.

(4) Every entry in the rent-roll finally published under sub-section (2) shall, subject to any modification that may be made on any appeal under sub-section (3), be final.

Date
from
which
settlement
takes
effect.

32. When rent is settled by a Revenue Officer under this Chapter in respect of any area, it shall take effect from the beginning of the agricultural year next after the date of the final publication of the rent-roll for that area under sub-section (2) of section 31. The rent so settled shall be recorded in the record-of-rights for the area to which such rent-roll relates.

The West Bengal Land Reforms Bill, 1955.

(Chapter IV.—Provisions as to rent.—Clauses 33—39.—
Chapter V.—Consolidation of holdings and co-operative farms.—Clause 40.)

Period for which rent as settled is to remain unaltered.

33. When the rent of a *raiyat* has been settled under this Chapter, it shall not ordinarily be revised for a period of fifteen years: provided however that if in the opinion of the State Government circumstances have so changed as to cause increase or decrease in the yield or price of crops in a particular area or generally, it may by order direct a revision of the table of rent-rates and the rent-rolls in respect of a particular area or generally at any time before the expiry of fifteen years and such order shall specify the period for which the revised rent-rates and rent-rolls will remain in force.

Grounds for reduction of rent.

34. Notwithstanding anything contained in section 33, the rent payable by a *raiyat* may be reduced on any one or more of the following grounds, namely:—

- (a) that the holding of the *raiyat* has decreased in area due to partition, subdivision or any other cause subsequent to the settlement of rent;
- (b) that there has been a reduction in yield for a period of not less than three consecutive years on account of failure of the facilities for irrigation or any natural cause.

Bar to jurisdiction of Civil Court.

35. No suit or other legal proceedings shall be instituted in any Civil Court in respect of the determination of rent-rates or the settlement of any rent, or the omission to determine any rent-rates or settle any rent under this Chapter.

Instalment, time and place for payment of rent.

36. (1) A *raiyat* shall pay rent in such instalments, in such manner and at such times as may be prescribed.

(2) Payment of rent shall be made or delivered at the village *tahsil* office or at such other place and in such manner as may be prescribed.

(3) Any instalment of rent or part thereof which is not duly paid or delivered at the prescribed time shall be deemed to be an arrear.

Raiyat entitled to a receipt for rent.

37. Every *raiyat* shall on making payment of rent be entitled to obtain forthwith a written receipt in the prescribed form for the amount paid or delivered by him, signed by the person authorised to make collection of rent.

Rebate on payment in time and interest on arrears.

38. (1) Every *raiyat* who makes payment of rent within the prescribed period shall be entitled to a rebate of five *per centum* of the amount of rent.

(2) An arrear of rent shall bear simple interest at the rate of six and a quarter *per centum per annum* from the due date up to the date of payment.

Procedure for recovery of arrears of rent.

39. All arrears of rent shall be deemed to be public demands payable to the Collector and shall, subject to such rules as may be made in this behalf, be recoverable under the Bengal Public Demands Recovery Act, 1913:

Provided that no *raiyat* shall be liable to be arrested or detained in civil prison or to have any movable or immovable property other than the holding to which the arrears of rent relate, attached in pursuance of any order under the said Act.

Explanation.—For purposes of this section, arrears of rent shall include the money value of the rent payable in kind.

Ben. Act
III of 1913.

CHAPTER V.

Consolidation of holdings and co-operative farms.

40. The State Government may, on the representation of not less than ten *rai-yats* owning lands in any area, or on its own motion, acquire the land in any area on payment of compensation to the *rai-yats* owning them, when the holdings in such area are not in compact blocks if it is of the opinion that the holdings in such area should be consolidated.

*The West Bengal Land Reforms Bill, 1955.**(Chapter V.—Consolidation of holdings and co-operative farms.—Clauses 41—47.)*

Redistribution of land after acquisition.

41. On such acquisition being made, the State Government shall re-arrange the lands in compact blocks and redistribute them to the *raiyats* whose lands have been acquired in such manner as it thinks fit:

Provided that no *raiyat* shall be entitled to receive any land in excess of the area held by him prior to acquisition:

Provided further that on such allotment being made there shall be deducted from the amount of compensation payable to a *raiyat* under section 40 the value of the land allotted to him after acquisition.

Transference of incumbrances on holding.

42. If the holding of a *raiyat* which is acquired for the purposes of consolidation is subject to any incumbrance, such incumbrance shall be deemed to be transferred and attached to the land which is allotted to the *raiyat* after acquisition or to the compensation payable to him under this Chapter and shall cease to have any effect against the land from which it has been so transferred.

Recovery of the excess value of allotted land.

43. If the value of the land allotted to a *raiyat* after acquisition be greater than the value of the land acquired from such *raiyat*, the difference in value shall be recoverable from him and if such difference be not paid within the time allowed for the purpose, it shall be recoverable as a public demand payable to the Collector unless the *raiyat* declines to accept settlement of the land allotted to him.

Formation of co-operative farms of uneconomic holding.

44. (1) Any fifteen or more *raiyats* owning uneconomic holding with an aggregate area of not less than thirty acres of cultivable lands in a compact block and desiring to start a co-operative farm may apply in writing in the prescribed form to the Registrar, Co-operative Societies for the registration of such farm under the Bengal Co-operative Societies Act, 1940.

Ben. Act
XXI of
1940.

Explanation.—“Uneconomic holding” means a holding comprising cultivable lands not exceeding five acres in the aggregate.

(2) The Registrar may, after such enquiry as he may deem fit, register the farm under the Bengal Co-operative Societies Act, 1940, and grant a certificate of registration.

(3) When a co-operative farm has been registered under sub-section (2), all agricultural lands belonging to the *raiyats* who are members of the co-operative farm shall vest in the co-operative farm and in lieu of such lands there shall be allotted to the members shares of equal value.

Restriction on transfer of shares in a co-operative farm.

45. (1) The shares held by a member of a co-operative farm shall not be transferred to any person other than a *raiyat* holding land in the locality in which the farm has been established.

(2) When a *raiyat* purchases shares in a co-operative farm all lands belonging to him in that locality shall vest in the co-operative farm and there shall be allotted to him shares equal in value to that of the lands which so vest.

(3) Subject to the restrictions mentioned in sub-section (1), the shares held by a member of a co-operative farm shall be transferable and heritable.

Dissolution of a co-operative farm.

46. No co-operative farm established in accordance with the provisions of this Act shall be wound up or dissolved except under the orders of the State Government.

Transfer of lands on dissolution of a co-operative farm.

47. When a co-operative farm is wound up or dissolved, the transfer of lands belonging to it shall be subject to the provisions of this Act and subject to such rules as may be prescribed.

The West Bengal Land Reforms Bill, 1955.

(Chapter V.—Consolidation of holdings and co-operative farms.—Clauses 48, 49.—Chapter VI.—Maintenance and revision of the record-of-rights.—Clauses 50, 51.—Chapter VII.—Management of estates vested in the State.—Clause 52.—Chapter VIII.—Miscellaneous.—Clause 53.)

Rent payable by a co-operative farm. 48. When a co-operative farm is established under the provisions of this Act, the aggregate of the rents payable by its members before the establishment of the farm shall be the rent payable by the co-operative farm for the lands vesting in it.

Concession and facilities for a co-operative farm. 49. (1) A co-operative farm shall be entitled to such concessions and facilities from the State Government as may be prescribed.

(2) Without prejudice to the generality of the foregoing provisions, such concessions and facilities may include—

- (a) such remission or suspension of rent as Government may allow;
- (b) free supply of seeds and manure for the first three years and thereafter at concessional rates;
- (c) free technical advice by the experts* of the State Government;
- (d) financial assistance on such terms and conditions as may be prescribed;
- (e) arrangements for better marketing.

CHAPTER VI.

Maintenance and revision of the record-of-rights.

Maintenance of the record-of-rights. 50. The Revenue Officer especially empowered by the State Government in this behalf shall maintain up-to-date in the prescribed manner the village record-of-rights by incorporating therein the changes on account of—

- (a) mutation of names as a result of transfer or inheritance;
- (b) separation, amalgamation or consolidation of holdings, or establishment of co-operative farms;
- (c) new settlement of lands or of holdings;
- (d) variation of rent;
- (e) alteration in the mode of cultivation, for example, by a *bargadar*;
- (f) such other causes as necessitate a change in the record-of-rights.

Revision of the record-of-rights. 51. The State Government may, in any case if it thinks fit, make an order directing that a record-of-rights in respect of any district or part of a district be revised by a Revenue Officer in accordance with such rules as may be made by the State Government in this behalf.

CHAPTER VII.

Management of estates vested in the State.

Management of estates. 52. All lands and all interests therein belonging to the State shall, subject to such rules as may be made by the State Government in this behalf, be managed by the Collector of the district in which the lands are situated:

Provided that the State Government may entrust the management of all lands belonging to it in any area to such authority as may be prescribed and such authority shall, thereupon, manage the lands subject to the control of the State Government and in accordance with such rules as may be prescribed.

CHAPTER VIII.

Miscellaneous.

Delegation of powers by the State Government. 53. The State Government may by a notification in the *Official Gazette* delegate any of the powers under sections 4, 8, 40 and 41 to be exercised by the prescribed authority subject to such reservation as may be specified in the notification.

*The West Bengal Land Reforms Bill, 1955.**(Chapter VIII.—Miscellaneous.—Clauses 54—59.)***Appeals.**

54. Subject to any special provisions for appeal made in this Act or in any rules made under this Act, an appeal shall lie in the manner indicated below—

- (a) to the Collector of the district, when the order is made by a Revenue Officer or revenue authority below the rank of a Collector of a district;
- (b) to the Commissioner of the Division, when the order is made by the Collector of a district within the Division;
- (c) to the officer holding for the time being the office of Member, Board of Revenue, when the order is made by the Commissioner of a Division:

Provided that where an order is confirmed on appeal no further appeal shall lie under this section.

Limitation for appeals.

55. Save as expressly provided in this Act or the rules made thereunder, the period of limitation for an appeal under section 54 shall run from the date of the order appealed against and shall be as follows, that is to say—

- (a) when the appeal lies to the Collector—thirty days;
- (b) when the appeal lies to the Commissioner of a Division—sixty days;
- (c) when the appeal lies to the officer holding for the time being the office of the Member, Board of Revenue—ninety days.

Power to enter upon land, to take survey, etc.

56. A Revenue Officer, subject to any rules made under this Act, may at any time enter upon any land but not a dwelling house with such officers or other persons as he considers necessary, and make a survey or take measurement thereof or do any other acts which he considers to be necessary for carrying out any of his duties under this Act.

Power to compel production of records and documents and to enforce attendance of witnesses.

57. Subject to any rules made under this Act, any officer in dealing with proceedings under this Act shall exercise the powers of a Civil Court under the Code of Civil Procedure, 1908, for the purposes of enforcing the attendance of witnesses and the production of records or documents or in enforcing or executing his orders including any order for restoration of possession as if such orders were decrees of a Civil Court.

Act V of 1908.

Protection of action taken under this Act.

58. (1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or any rules made thereunder.

(2) No suit or other legal proceeding shall lie against the State Government for any damage caused or likely to be caused or for any injury suffered or likely to be suffered by virtue of any provisions of this Act or by anything in good faith done or intended to be done in pursuance of this Act or any rules made thereunder.

Repeal.

59. The following Regulation and Acts are hereby repealed, namely:—

- (1) The Bengal Alluvion and Diluvion Regulation, 1825. Ben. Regn. XI of 1825.
- (2) The Bengal Alluvion and Diluvion Act, 1847. IX of 1847.
- (3) The Bengal Alluvial Land Settlement Act, 1858. XXXI of 1858.
- (4) The Bengal Rent Act, 1859. X of 1859.
- (5) The Bengal Tenancy Act, 1885. VIII of 1885.
- (6) The Cooch Behar Tenancy Act, 1910. Cooch Behar Act V of 1910.

The West Bengal Land Reforms Bill, 1955.

(Chapter VIII.—Miscellaneous.—Clause 60.)

(7) The West Bengal *Bargadars* Act, 1950:

West
Ben. Act
II of
1950.

Provided that notwithstanding the repeal of the Bengal Tenancy Act, 1885, the provisions of that Act relating to under-*raiyats* shall continue to be in force until the date of notification under section 49 of the West Bengal Estates Acquisition Act, 1953.

VIII of
1885.

Power to
make
rules.

60. (1) The State Government may, after previous publication, make rules for carrying out the purposes of this Act.

West
Ben. Act
I of
1954.

(2) The rules so made shall have effect as if they were incorporated in this Act.

STATEMENT OF OBJECTS AND REASONS.

Abolition of the Zemindari system has been effected by the West Bengal Estates Acquisition Act, 1953, which provides for the vesting of all estates and the rights of every intermediary therein in the State free from all incumbrances. It is necessary to follow up that Act by a comprehensive measure of land reforms so as to remodel the existing system of land tenure by providing for such matters as—

- (a) the rights, obligations and incidents in respect of the holdings of *raiyats*;
- (b) limitation on transfer and sub-letting of land so as to prevent accumulation of lands in a few hands or any land being acquired by non-agriculturists;
- (c) control and regulation of the share-produce system of cultivation;
- (d) introduction of a rational system of assessment on land, consolidation of holdings, formation of co-operative farms and concessions and facilities for such farms;
- (e) maintenance and revision of record of rights; and
- (f) other matters in regard to rights in land and management thereof.

The Bill has been framed with the above objects in view.

S. K. BASU,
Member-in-charge.

CALCUTTA,
The 7th December, 1954.

By order of the Governor,
S. K. D. GUPTA,
Secy. to the Govt. of West Bengal.