

THE WEST BENGAL LAND REFORMS RULES, 1965

1. Short title.—These rules may be called the West Bengal Land Reforms Rules, 1965.¹

2. Definition: In these rules,—

- (a) "the Act" means the West Bengal Land Reforms Act, 1955 (West Bengal Act X of 1956) ;
- (b) "Form" means a Form appended to these rules;
- (c) "Anchal Panchayat" means an Anchal Panchayat constituted under the West Bengal Panchayat Act, 1957 (West Bengal Act I of 1957) ; and
- (d) "section" means a section of the Act.

3. Appointment of prescribed Authority.—The State Government may, by notification in the *Official Gazette*, appoint any officer or authority to be the prescribed authority for the purposes of all or any of the following provisions of the Act, namely:—

(a) sub-sections (2B) and (4) of section 4. (b) sub-section (5) of section 9, and (c) sub-sections (2), (3) and (4) of section, 14, and one or more officers or authorities may be appointed to be the prescribed authority for all or any of the aforesaid purposes.

²[3A. Terms and conditions for quarrying sand, etc., under sub-section (2A) of section 4.— (1) A raiyat intending to—

- (a) quarry sand, or permit any person to quarry sand, from his holding, or
- (b) dig or use or permit any person to dig or use, earth or clay his holding for the manufacture of bricks, tiles, for any purpose, other than his own use, shall make an application in Form a 1 for a permit for such quarrying or digging or use to the Additional District Magistrate through the Junior Land Reforms Officer of the area. A copy of the application shall be sent at the same time to the Subdivisional Land Reforms Officer and to the Additional District Magistrate.

(2) Where such quarrying of sand or digging or use of earth or clay is intended to be done by any person other than the raiyat, the particulars of such person shall be mentioned in such application.

(3) Where an application is made for a permit for quarrying of sand such application must be accompanied by a certificate from the local Executive Engineer of the Public

¹ See Government of West Bengal, Land and Land Revenue Department, Notification No. 15918 L. Ref. dated 15.9.66 published in Calcutta Gazette, *Extraordinary* dated 12.10.1966, pp. 3274a-3274*.

² Inserted by Land and Land Revenue Dept. Notn. No. 6886 L. Ref. dated 18.4.67, published in Cal. Gazette, *Extraordinary* dated 25.4.67, pp. 1309-14.

Works Department, Government of West Bengal, indicating the depth of sand seam and its thickness.

(4) For the purpose of obtaining the certificate referred to in sub-rule (3), an application shall be made to such Executive Engineer, stating therein the particulars of the land (police station, mauza, Khatian No. Plot No. and area) and enclosing therewith a duly receipted Treasury Challan showing payment of a fee of five hundred rupees for the inspection and investigation to be made by the Executive Engineer.

3B. Verification of the application and grant of permit.—

(1) On receipt of the application the Junior Land Reforms-Officer shall ascertain if the applicant has a permanent and transferable interest in the land and whether all persons have such interest in the land have joined in the application and shall also make an enquiry, in consultation with Agricultural Extension Officer of the area, if necessary, as to—

- (a) whether the land is double cropped or fit for double cropping or situated within the command area of any irrigational project;
- (b) whether the land is situated within forty-five meters from any public road, railway track, an irrigation or drainage canal or an irrigation or drainage embankment;
- (c) the distance of the land from any public road, railway track or any irrigation embankment; and shall prepare a report.

(2) The application with the report of the Junior Land Reforms Officer shall be sent to the Additional District Magistrate through the Subdivisional Land Reforms Officer. The Subdivisional Land Reforms Officer shall forward the application along with the report of the Junior Land Reforms Officer with his own views after such further inquiries or local inspection which he may consider necessary to make.

(3) The Additional District Magistrate may, if he is satisfied after consideration of the report of the Junior Land Reforms Officer and the Subdivisional Land Reforms Officer that a permit may be granted for quarrying, digging or use, issue a permit in favour of the applicant in Form—b I:

Provided that no such permit shall be granted unless the fee mentioned in sub-rule (5) is paid:

Provided further that no such permit shall be granted if—

- (a) the land is double cropped or fit for double cropping;
- (b) the land is situated within the common area of any irrigational project;

(c) in the case of sand quarrying, the thickness of sand seam is less than 6 metres;

(d) the land is situated within 45 metres from any public road, railway track or any irrigation or drainage canal or any irrigation or drainage embankment, such distance being measured horizontally from the outer toe of the bank or the outer edge of the cutting, as the case may be.

(4) Such permit shall be granted for not more than one year and shall be subject to the following conditions, namely:—

(a) the raiyat shall not himself, or permit any person to, quarry sand or dig or use any earth or clay from his land, except under a lease granted under the Mines and Minerals (Regulation and Development) Act, 1957 (Act No. 67 of 1957);

(b) the raiyat shall pay revenue and cess regularly;

(c) the raiyat shall not transfer the permit to any person;

(d) the raiyat shall allow the Additional District Magistrate, the Subdivisional Officer, the Subdivisional Land Reforms Officer, the Junior Land Reforms Officer or any other officer authorised by the Additional District Magistrate in this behalf, to enter upon the land for inspection;

(e) for actual operation of quarrying or digging or using 3 metres clear margin for every 2.5 metres depth shall be kept from the outer boundary of the adjacent plot or plots and maintained throughout the operation or the sides of the quarry shall be terraced so as to form benches in a manner where the height of any bench shall not be more than the width of the bench and a clear margin of 3 metres shall be kept and maintained from the outer boundary of the adjacent land;

(f) the permit may be cancelled at any time for any breach of the conditions;

(g) the raiyat shall be wholly responsible for any breach of the conditions by the persons to whom permission may be given by him for carrying out the operation.

(5) A fee shall be payable in advance at the time of issue of the permit on the basis of the area of operation at the rate of seventy-five rupees per hectare subject to a minimum of ten rupees.

4. Manner of giving opportunity to the raiyat to show cause against action proposed to be taken under sub-section (2B) of section 4.—If any raiyat commits a breach of any of the provisions of sub-section (2A) of section 4, the prescribed authority shall serve a notice on the raiyat in Form No. 1 or in a form substantially similar thereto calling upon him to appear before it and file a written statement within the date specified

in the notice showing cause why action under subsection (2B) of the said section shall not be taken against him. On receipt of the written statement, if any, submitted by the raiyat the prescribed authority shall, after hearing the raiyat or his duly authorised representative and after making such further enquiry as it may think necessary, dispose of the case.

5. Manner of sale of the holding of a raiyat by the prescribed authority under sub-section (4) of section 4.—When an order is made by the prescribed authority for the sale of a holding under sub-section (4) of section 4, a notice of the sale shall be published by beat of drums on the holding at least fifteen days before the date fixed for sale, and copies of the notice shall be affixed on a conspicuous part of the holding and on the notice board in the office of the local *Anchal Panchayat* and in the civil and criminal courts of the subdivision in which the holding is situate. On the date fixed for sale the prescribed authority shall sell the holding by public auction to the highest bidder, subject to the provisions of section 8.

6. Taking possession of excess land under section 6.—Whenever it appears to the State Government that a raiyat is in possession of agricultuarl land in excess of 25 acres, it shall issue a notice calling upon the raiyat to show cause on the date fixed why the excess land shall not be taken over by it. While showing cause, the raiyat shall submit a statement in Form No. 2 or in a form substantially similar thereto indicating his choice of the land to be retained by him. If after considering the cause, shown, if any, the State Government is satisfied that the raiyat is in possession of agricultural land in excess of the ceiling, it shall direct the raiyat by an order in Form No. 3 to deliver possession of the excess land to the person authorised by it in this behalf on the date specified in the order. Compensation as laid down in sub-section (2) of section 6 shall be paid to the raiyat for the excess land of which possession is taken by the State Government.

7. Notice under sub-section (1) of section 9 of application for transfer by co-sharer or contiguous tenant.—Notice under sub-section (1) of section 9 of application for transfer shall be in Form No. 4.

8. Procedure for appeals and fees to be paid under subsection (6) of section 9.—
(1) Every appeal under sub-section (6) of section 9 shall be filed in the form of a memorandum and shall be signed and verified by the appellant in the manner provided in sub-rules (2) and (3) of rule 15 of order VI of Schedule I-to the Code of Civil

Procedure, 1908. It shall be accompanied by an authenticated copy of the order appealed against and shall contain the following particulars, namely:—

- (a) the name and address of the appellant;
- (b) the name and address of the respondent;
- (c) the location and particulars of the holding in respect of which orders were passed by the Revenue Officer; and
- (d) the grounds of appeal.

(2) The Court-fees payable on the memorandum of appeal shall be such as are provided in sub-clause (ii) of clause (a) of Article 11 of Schedule II to the Court-fees Act, 1870 and shall be collected in the same manner as laid down in that Act.

(3) On the filing of an appeal, the Appellate Officer shall call for the records of the case from the officer or authority against whose order the appeal has been filed and after giving the appellant and the respondent an opportunity of being heard shall dispose of the appeal.

(4) A process fee of ³[Rs.-Three] per party on whom a notice is to be served shall be paid along with the memorandum of appeal.

9. Form of application under sub-section (1) of section 11.—The application referred to in sub-section (1) of section 11 shall be in Form No. 5.

10. Notice under sub-section (2) of section 14.—Notice to be served on the prescribed authority under sub-section (2) of section 14 shall be in Form No. 6.

11. Process fee for transmission of the instrument of partition to the prescribed authority under sub-section (2) of section 14.—The process fee payable for transmission of the registered deed of partition to the prescribed authority under sub-section (2) of section 14 shall be ¹[Rs. Three].

12. Form of application for redemption of usufructuary mortgage under sub-section (4) of section 14C.—An application under sub-section (4) of section 14C for redemption of a usufructuary mortgage shall be in Form No. 7

13. Manner of enquiry on applications made under subsection (4) of section 14C.—In making enquiries on applications made under sub-section (4) of section 14C for redemption of a usufructuary mortgage the Revenue Officer shall follow, as nearly as may be, the procedure laid down in the Code of Civil Procedure, 1908, for the trial of

³ The words "Rs. Three" have been substituted by Notification No. 2710-L. Ref./20-R-6 dated 5 May, 1976 for the words "Rupees one and paisa fifty only".

suits, recording a memorandum of the substance only of the evidence as in cases in which no appeal lies and the reasons, in brief, for his findings.

14. Manner of execution of final order under sub-section (5) of section 14C.—A Revenue Officer shall, in executing a final order under sub-section (5) of section 14C follow, as far as possible, the procedure laid down in the Code of Civil Procedure, 1968, relating to execution of decrees.

14A. Manner of inquiry under sub-section (1) of section 14E.— (1) For the purpose of determining whether permission for transfer had been obtained by misrepresentation or fraud the Revenue Officer shall hold such enquiry as he may think necessary, record a memorandum in substance only of evidence that may be adduced by or on behalf of the interested parties, and after giving them an opportunity of being heard, shall give his decision with reasons therefore.

(2) While making a determination under sub-rule (1), the Revenue Officer shall follow, as nearly as may be, the procedure laid down in the Code of Civil Procedure, 1908 (Act 5 of 1908) for the trial of suits, and the provisions of the Indian Evidence Act, 1872 (Act 1 of 1872).

14B. Manner of determination whether any land is or is not within the irrigated area.—(1) The Sub-divisional Land Reforms Officer shall be the prescribed authority for the purpose of determination of the question referred to in sub-section (1) of section 14N.

(2) He shall hold such enquiry as he may think necessary, record a memorandum of such enquiry, and after giving the raiyat a reasonable opportunity of being heard, shall give his decision with reasons therefor.

14C. Form and manner of submission of return under sub-section (1) of section 14T.—(1) The return to be furnished by a raiyat owning land in excess of the ceiling area shall be in Form No. 7A.

(2) The return shall be submitted, in triplicate, within the 31st day of July, 1971, to the Revenue Officer having jurisdiction in the area in which the lands or major portion thereof are situated:

Provided that the State Government may, by notification in the Official Gazette, extend the said time limit by such period as it may think fit.

(3) If any *raiyyat* acquires any land whether by transfer, inheritance or otherwise after the 15th day of January, 1971 and such land together with the land owned by him exceeds the

ceiling area applicable to him, he shall, within three months from the date of such acquisition, furnish a return, in triplicate, in Form No. 7A to the Revenue Officer having jurisdiction in the area in which the lands or a major portion thereof are situated.

14D. The manner of fixing damages for use and occupation of land in excess of the ceiling.—The Collector, after holding such enquiry as he may think fit and after giving the raiyat an opportunity of being heard, shall fix compensation, payable by a raiyat under sub-section (1) of section 14W, at the money value of twenty-five per centum of the gross produce of land.

⁴14E. Manner in which compensation for the vesting of any land is to be determined and given.— (1) Applications for payment of compensation for vesting of any land in the State under the provisions of chapter II-B of the Act shall be presented to the Revenue Officer having jurisdiction in the area in which the land or major portion thereof are situated and shall be in Form No. 7B or in a form substantially similar thereto.

(2) The amount of compensation payable to a *raiyat* for the land vested in the State under section 14S and taken possession of under sub-section (3) of section 14T, shall be determined in the following manner, namely:—

(a) Where the land belongs to a class which ordinarily yields any agricultural produce, the Revenue Officer shall, after making such enquiry as he may think fit and having taken into account the general productivity of such class of land, determine the annual produce of the land on the assumption that it yields only one normal crop of paddy. He shall then determine the one normal crop of paddy. He shall then determine the average rate of price of paddy during a period of seven years immediately preceding the date of vesting or any shorter period for which evidence is available, after taking into consideration the publications of the rates of prices authorised by the Government and shall calculate the value of the annual produce of the land by multiplying together the annual produce and the average rate of price so determined. In cases where the land is cultivated by a *bargadar* one-fourth and in other cases one-third of the value of the annual produce so calculated shall be the annual income of the land which shall be taken to be the gross income.

(b) Where the land belongs to a class which does not ordinarily yield any agricultural produce, the Revenue Officer shall determine the annual income of the land

⁴ Added by Notification No. 16292 L. Ref. dated 13.8.74 published in Cal. Gazette, Extra-Ord, Part I, dt. 14.3.74 pp. 1560-1611.

to the best of his judgment having regard to the nature of the land and its utility to the owner thereof and the annual income so determined shall be taken to be gross income.

(c) After the gross income has been determined under clause (a) or clause (6), the net income shall be computed by deducting from the gross income the following, namely:—

(i) any sum payable as land revenue, cesses, rates or taxes during the previous agricultural year in respect of the land to which the gross income relates, and

(ii) charges on account of management and collection at the rates given in sub-clause (iv) of clause (b) of sub-section (1) of section 16 of the West Bengal Estates Acquisition Act, 1953 (West Bengal Act I of 1954).

(d) After the net income has been computed under clause (c) the Revenue Officer shall then proceed to determine the amount of compensation payable to the *raiyat* in accordance with the table given in sub-section (1) of section 17 of the West Bengal Estates Acquisition Act, 1953 and shall also prepare and publish a Compensation Assessment Roll containing particulars about the gross income, the net income and then amount of compensation payable to a *raiyat*.

(e) Within one month from the date of publication of the Compensation Assessment Roll under clause (d) a *raiyat* may file before the Revenue Officer an objection in writing in respect of any entry therein or any omission therefrom relating to his lands or income.

(f) The order of the Revenue Officer in deciding an objection filed under clause (e) shall contain a concise statement of the fact of the case, the points for determination, the decision thereon and the reasons for such decision.

(g) The provision for appeal contained in section 20 of the West Bengal Estates Acquisition Act, 1953, shall *mutatis mutandis*, apply to appeals against the order of the Revenue Officer.

(h) Where no objection has been filed or where all such objections have been disposed of, the Revenue Officer shall make such alterations, if any, in the Compensation Assessment Roll as may be necessary to give effect to any order passed on objections filed and shall cause the roll or the roll as so altered, to be finally published by placing it for public inspection free of charge during a period of not less than one month at such convenient place as he may determine, and cause a public notice to be given to that effect stating the place where it shall be open to public inspection and the period during which it shall be open to such inspection. The Revenue Officer shall make

a certificate stating the fact of such final publication and the date thereof and shall date and subscribe the same with his name and official designation.

⁵**14F. Manner of payment of compensation.—**(1) Payment of compensation together with interest at the rate of three *per centum per annum* shall be made in cash and in bond in accordance with the principles laid down in sections 23, 24 and 25 of the West Bengal Estates Acquisition Act, 1953:

Provided that in the case of a *raiyat* referred to in subsection (3) of section 14Q the compensation payable shall be a perpetual annuity equal to the net annual income from the land which has vested in the State.

(2) The procedure laid down in chapters VII and VIII and in schedules A and D to the West Bengal Estates Acquisition Rules, 1954, in so far as they are not inconsistent with the provisions of the West Bengal Land Reforms Act, 1955 and the rules made thereunder, shall be followed in making payment of compensation.

15. Manner of determination of revenue under sub-section (2) of section 23.—In determining the revenue payable by a *raiyat* in respect of lands comprised in his holding for which no rent was payable immediately before the date on which the provisions of Chapter IV of the Act came into force, the Revenue Officer shall, in the first instance, ascertain the rates at which rent was being paid immediately before such date for lands of similar description with similar advantages in the vicinity. After such rates of rent have been ascertained, the Revenue Officer shall determine the revenue payable for the lands comprised in the holding on the basis of the average of such rates. Before determining the revenue in the manner aforesaid the Revenue Officer shall give to the *raiyat* an opportunity of being heard and shall consider any representation that may be made by him with respect to the rate at which the revenue is assessed or the amount assessed.

[Rules 15A, 15B, 15C and 15D *omitted* by Notification No. 18720 L. Ref. dated the December 19, 1972 published in Calcutta Gazette, Extra Ordinary, Pt. I, No. 692 dated 20 December, 1972].

³**16. Manner of alteration of revenue under section 33.—**(*Omitted* by Notification No. 21272-L. Ref. dated 10.12.69).

17. Manner, time and place of payment of instalments of revenue under section 35.— (1) Subject to any agreement to the contrary, the revenue payable by a *raiyat* shall

⁵ Added by Notification No. 16292 L. Ref. dated 13.8.74 published in Cal. Gazette, Extra-Ord., Part I, dt. 14.8.74 pp. 1609-1611.

be paid in four equal instalments each falling due on the last day of each quarter of the agricultural year in respect of which it is paid.

(2) (i) Every raiyat shall pay or tender each instalment of revenue before sunset of the day on which it falls due.

(ii) The payment or tender of revenue may be made—

(a) to the collecting staff, such as the tahsildar of the area in which the land for which revenue is payable is situated, or

(b) by postal money order.

(iii) When revenue is sent by postal money order, it may be sent to the collecting staff of the area or to the Collector or

(3). Before being- omitted Rule 16 stood as follows:

"16. *Manner of alteration of revenue under section S3:—* When the holding of a *raiayat* has increased due to amalgamation, purchase or any other cause, the revenue payable for the holding shall be increased by the amount of revenue payable for the land added to the holding. When the holding of the *raiayat* has decreased due to partition, subdivision, acquisition or any other cause, the revenue of the holding shall be decreased by an amount which bears the same proportion to the entire revenue demand of the holding as the decreased area bears to the land comprised in the entire holding." the Sub-divisional Officer according as the land for which revenue is payable is situated in the Sadar or outlying sub-division of the district.

(iv) When revenue sent by postal money order is accepted by the collecting staff of the area or by any of the other officers mentioned in clause (Hi), the fact of such acceptance shall not be used in any way as evidence that he has admitted as correct any of the particulars set forth in the coupon of the postal money order.

(v) When a raiyat makes any payment on account of revenue he may declare the year or years or the instalment or instalments in respect of which he wishes the payment to be credited and the payment shall be credited accordingly.

(vi) If the raiyat does not make any such declaration the payment may be credited against such year or years or instalment or instalments as the tahsildar or the officer receiving the payment thinks fit.

18. Form of receipt for revenue.—The receipt for the amount of revenue paid by a *raiayat* shall be in Form No. 8 and shall contain the particulars specified therein. For every receipt there shall be prepared a counterfoil containing the same particulars and this

counterfoil shall be retained by the *tahsildar* or any of the other officers receiving the payment.

19. Period of payment of revenue entitling a raiyat to rebate.—A raiyat making payment of an instalment of revenue on or before the date on which it falls due shall be entitled to the rebate referred to in sub-section (1) of section 37.

20. Procedure for recovery of arrears of revenue under section 38.— (1) Any instalment of revenue if not paid by the date fixed for the payment of such installment shall be treated as an arrear of revenue. No proceeding for recovery of such arrear shall however, be commenced before the close of the agricultural year to which it relates. If such arrear remains unpaid at the close of such agricultural year, a notice of demand shall be served on the raiyat asking him to make payment of the arrear within the date specified in the notice with interest at the rate of 6 ¼ per cent, per annum from the date or dates on which the revenue became due. If after receipt of the notice of demand a raiyat does not pay the arrears of revenue with such interest within the specified date, a certificate may be filed for recovery of the amount under the Bengal Public Demands Recovery Act, 1913.

(2) Where a *raiya*t makes an application under the second proviso to section 38 for payment of arrears of revenue by instalments, he shall be allowed to pay the same in such number of monthly instalments not exceeding six as the Certificate Officer may fix.

(3) (i) A purchaser of a holding sold in execution of a certificate under the Bengal Public Demands Recovery Act, 1913, may, within one year from the date of confirmation of the sale or the date on which he first has notice of the incumbrance, whichever is later, present to Certificate Officer who made the order for sale of the holding or his successor-in-office an application in writing, requesting him to serve on the incumbrancer a notice declaring that the incumbrance is annulled.

(ii) Every such application shall be accompanied by a fee of ⁶[Rs. Three] for service of notice.

(iii) When an application for service of notice is made, the Certificate Officer shall cause the notice to be served in compliance therewith, and the incumbrance shall be deemed to be annulled from the date on which it is so served.

⁷20A. Terms and manner of Settlement of lands at the disposal of the State Government under section 49.— (1) Settlement of lands which are at the disposal of

⁶ The words "Rs. Three" have been substituted by Notification No. 2710-L. Ref./20-R-6 dated 5 May, 1976 for the words "Rupees one and paise fifty only".

the State Government may be made by the Collector of the district or the Additional District Magistrate ⁸[or the sub-divisional officer of the subdivision] of the district in which the lands are situated.

(2) Such settlement shall be made on a permanent basis, and the person with whom the land is settled shall have all the rights and obligations of a raiyat, as prescribed in the Act and the rules framed thereunder.

(3) The area of land to be settled with any person shall be subject to the following minimum and maximum limits, namely:—

(a) minimum—one-third of an acre (0.1349 hectare), and

(b) maximum—such area as, together with the land already held by the person as a raiyat and half the area cultivated by him as bargadar, does not exceed 2 acres (0.8094 hectare) :

Provided that the Collector or the Additional District Magistrate ³[or the sub-divisional officer of the sub-division] may, at his discretion, relax the minimum or the maximum limit in the following circumstances, namely:—

(i) where relaxation of the minimum or the maximum limit is necessary to avoid splitting up a fragmentation of a small plot of land,

(ii) where, in the opinion of the Collector or the Additional District Magistrate, the land settled is distinctly inferior in productivity to the average land in the same mauza.

(iii) where land available at the disposal of the State

Government in a locality is not sufficient for settlement with all the persons who are residents of the locality and who intend to bring the land under personal cultivation and own no land or less than two acres of land,

(iv) where the land at the disposal of the State Government in a locality is more than sufficient for settlement with all the persons who are residents of the locality and who intend to bring the land under personal cultivation and own no land or less than two acres:

Provided further that the area of land settled for the purpose of homestead with a person having no homestead of his own shall not in any case exceed 5 cottahs (.0335 hectare).

⁷ This Rule 20A has been added by Notification No. 8416 L. Ref. dated 1.7.1968 published in Cal. Gaz. Extra-Ord. dated 6.7.1968.

⁸ The words within the square brackets added by Notification No. 18720 L. Ref. dated 19.12.1972 published in Cal. Gazette Extra Ord. Part I, No. 692, dated 20.12.1972.

(4) The deed of settlement shall be as far as possible in Form No. 8A or its equivalent in the Bengali or the Nepali language and shall be executed by the Collector, the Additional District Magistrate, Sub-divisional Magistrate, the Sub-divisional Officer or the Sub-divisional Land Reforms Officer.

20B. Making of enquiry under sub-section (2) of section 49.—(1) As soon as an application or information is received by the Revenue Officer that settlement of any land has been obtained by any person under sub-section (1) of section 49 by practising fraud or misrepresentation, he shall have a case started, call for the connected records and pass orders for local enquiry. The Revenue Officer may himself make such enquiry or cause it to be made by such Officer not below the rank of an officer of the West Bengal Sub-ordinate Land Revenue Service, Grade I.

(2) The Revenue Officer shall, unless the case is summarily rejected fix a date for consideration of the case and of the report of the local enquiry, if any, and after giving all persons interested, an opportunity of being heard and after considering such evidence as may be produced, make a summary record of the facts disclosed in the hearing and his decisions in the case.

21. Manner of maintenance of record-of-rights.—Whenever change is required to be made in the record-of-rights on account of any of the causes mentioned in clauses (a) to (i) of section 50, the matter shall be brought to the notice of the Revenue Officer especially empowered by the State Government for maintaining up to date the village record-of-rights and all papers containing the original orders passed in mutation and other cases or authenticated copies of such orders shall be made available to him. On receipt of the original orders or authenticated copies thereof the Revenue Officer shall make necessary connections in the record-of-rights and shall subscribe his dated signature to such corrections noting the authority under which the corrections have been made. After the corrections have been made, the Revenue Officer shall inform the parties concerned and, if necessary, the Settlement Department of the changes made in the record-of-rights.

22. Procedure for revising or preparing record-of-rights under Chapter VII.—When an order has been made under section 51 directing that a record-of-rights be revised or prepared in respect of a district or part of a district, the record-of-rights of such district or

⁹ Rule 20B omitted by Notification No. 18720 L. Ref. dated the 19 December, 1972 published in Cal. Gazette Extra Ord. Pt. I, No. 692, dated 20 December, 1972.

part thereof shall be revised or prepared in the manner laid down in Schedule A appended to these rules.

23. Particulars to be recorded.—When an order is made under section 51 for the revision or preparation of a record-of-rights the particulars to be recorded by the Revenue Officer in the record-of-rights may include, either without or in addition to other particulars, any or all of the following, namely:—

- (a) the name of each person who is a raiyat or occupant of land or who is a bargadar as described in the West Bengal Land Reforms Act, 1955;
- (b) the situation, class and quantity of the land held by each raiyat, occupant or bargadar;
- (c) the name of each raiyat's or occupant's landlord;
- (d) the revenue and cesses payable at the time the record-of-rights is being revised or prepared;
- (e) the rights and obligations of each raiyat in respect of— (i) the use by him of water for agricultural purposes, whether obtained from a river *jhil*, tank or well, or any other source of supply, and *iii*) the repair and maintenance of appliances for securing a supply of water for the cultivation of the land held by him, whether or not such appliances be situated within the boundaries of such land; (f) the special conditions and incidents, if any, of the tenancy;
- (g) any right of way or other easement attaching to the land for which a record-of-rights is being revised or prepared;
- (h) if the land is claimed to be held revenue free—whether or not revenue is actually paid, and, if not paid, whether or not the occupant is entitled to hold the land without payment of revenue and if so entitled, under what authority:

Provided that if lands are not used for purposes connected with agriculture or horticulture, it shall be sufficient to record that fact together with the prescribed particulars relating to the occupant and the tenancy.

24. Publication of the draft record.— (i) After the record-of-rights has been revised or prepared as aforesaid the Revenue Officer shall publish the draft of the record-of-rights as so revised or prepared by placing it for public inspection, free of charge, during a period of one month, at such convenient place as he may determine. A public notice shall previously be published in each village, informing the raiyats of the place at which the draft record-of-rights of that village will be open to public inspection, the period

during which it will be open to such inspection and the last date within which objections may be filed.

(ii) Objections to the draft record-of-rights shall be filed and disposed of in the following manner:—Blank form of objection in Form No. 9 shall be available free of charge from the Settlement Office and objections shall, as far as practicable, be made in such form. Along with the original objection, the objector shall file a copy or copies of the same with a copy or copies of notices for service on persons who are materially interested in the case and the Revenue Officer shall issue notice informing the objector and all such persons so interested of the date and the place fixed for the hearing of the objection. No objection shall be disposed of without affording the parties materially interested or their representatives an opportunity of being heard:

Provided that in any case in which an order is made *ex parte* against a person, he may, within thirty days from the date of the order, apply to the Revenue Officer for an order to set it aside and if he satisfies the Revenue Officer that the notice of the objection was not duly served on him, or that he was prevented by any sufficient cause from appearing when the case was called on for hearing, the Revenue Officer shall make an order setting aside the *ex parte* order as against such person and shall fix another date for proceeding with the case:

Provided further that where the *ex parte* order is of such a nature that it cannot be set aside as against such person only, it may be set aside as against all or any of the other persons also involved in the case.

25. Procedure for final publication of record-of-rights.—After the objections, if any, preferred under rule 24 have been considered and disposed of by the Revenue Officer, he shall finally prepare the record-of-rights and cause such record to be finally published by placing it for public inspection, free of charge, during a period of not less than one month at such convenient place as he may determine and cause a public notice to be given to that effect in each village to which the record-of-rights relates stating the place where it will be open to such -inspection.

26. Appeal under sub-section (5) of section 51A.—(i) Every appeal under sub-section (5) of section 51A shall be filed in the form of a memorandum and shall be signed and verified by the appellant in the manner provided in sub-rules (2) and (3) of rule 15 of Order VI of Schedule I to the Code of Civil Procedure, 1908, and shall be accompanied by an authenticated copy of the order appealed against.

(ii) Every appeal shall be filed before the Additional District Magistrate within one month from the date of the passing of the order appealed against:

Provided that an appeal may be admitted after the said period if the appellant satisfies the Additional District Magistrate of the District in which the land is situated that he had sufficient reasons for not preferring the appeal within the said period."

(iii) The court fees payable on a memorandum of appeal under sub-section (5) of section 51A shall be such as provided in Article 11 of Schedule II to the Court Fees Act, 1870, and shall be collected in the manner laid down in that Act.

27. Powers of officers appointed for revision or preparation of record-of-rights under Chapter VII.—All officers appointed for revision or preparation of record-of-rights under section 51 shall be vested with the powers as provided in Schedule B appended to these rules.

28. Management of estates.— (1) All lands and all interests therein belonging to the State shall be managed according to the rules for the time being in force for management of Government estates subject to such directions as may, by general or special order, be issued from time to time by the State Government in this behalf.

(2) The authority referred to in the proviso to section 52 shall be such officer or authority as may be appointed by the State Government by notification in the *Official Gazette* for the purposes of the said proviso.

(3) When the management of all lands belonging to the State Government in any area is entrusted to the officer or authority appointed under sub-rule (2), such authority shall manage the lands in accordance with the rules in force for the management of Government estates as far as applicable subject to such directions as may be issued by the State Government from time to time in this behalf.

29. Procedure for appeals.— (1) Every appeal under the Act the procedure for which has not been prescribed elsewhere in these rules shall be filed in the form of a memorandum and shall be signed and verified by the appellant in the manner provided in sub-rules (2) and (3) of rule 15 of Order VI of Schedule I to the Code of Civil Procedure, 1908. It shall be accompanied by an authenticated copy of the order appealed against.

(2) The Court-fees payable on a memorandum of Appeal shall be such as provided in Article 11 of Schedule II to the Court-fees Act, 1870, and shall be collected in .the manner as laid down in that Act.

(3) A process-fee of Rs. Three for each party on whom notice is to be served shall be paid by the appellant.

30. Manner of Service of notice.—All notices required to be served under the Act or these rules the mode of service of which is not provided for in the Act or elsewhere in these rules shall be served by registered post with acknowledgement due or in the manner provided for the service of a process of a Revenue or a Civil Court.

31. Manner of granting copies of records.—The rules in the Bengal Records Manual shall be followed in the matter of granting copies of records:

Provided that in the case of appeals filed before a Munsif under sub-section (6) of section 9 or before a Special Judge under sub-section (5) of section 51A, the procedure laid down in the High Court Civil Rules and Orders in respect of such matters shall be followed.

32. Fees and process fees.—The fees and process fees payable under these rules shall be paid in Court-fee stamps.

SCHEDULE A

1. Procedure for revision or preparation of record-of-rights.—When an order has been made under section 51 directing that a record-of-rights be revised or prepared by a Revenue Officer in respect of the land of any district or part thereof the record-of-rights shall be revised or prepared by the following processes, namely:—

- (i) Traverse survey;
- (ii) Cadastral survey;
- (iii) Preliminary record writing (or Khanapuri) ;
- (iv) Local explanation (or Bujharat) ;
- (v) Attestation;
- (vi) Publication of the draft record-of-rights;
- (vii) Disposal of objections;
- (viii) Preparation and publication of the final record-of-rights :

Provided that any of the steps referred to in items (i) to (v) may be omitted or amalgamated with another with the previous permission of the State Government:

Provided further that a Revenue Officer who has been appointed with the additional designation of "Settlement Officer" may, at any time before final publication of the record-of-rights, direct that any portion of the proceedings in respect of the revision or preparation of the record-of-rights of any district or part thereof, shall be cancelled and that such proceedings shall be carried out *de novo* from such stage as he may direct.

2. Traverse Survey.—The cadastral survey of any district or part of a district in respect of which an order under sub-section (1) of section 51 for revision or preparation of record-of-rights has been made, shall be based upon a traverse survey, and such traverse survey shall ordinarily be carried out by theodolite observations.

3. Cadastral Survey.— (1) In the course of proceedings under sub-section (1) of section 51 a large-scale map showing roads, rivers, railways and other physical features of the country, as well as homesteads and other fields, shall be prepared for each village as adopted in the general 'land revenue survey which has been made in the State of West Bengal or in any survey made by the State Government by notification in the *Official Gazette* as defining villages in any specified area:

Provided that for any specified area, whether previously notified as a village or not, the State Government may direct that the preparation of a map as aforesaid be dispensed with or that such map be prepared either by adopting any map or plan previously prepared by the Government or by any local authority or by any private party after such modification, if any, as may be considered necessary with a view to representing the existing state of affairs, for the purpose of the revision or preparation of the record-of-rights under the Act:

(2) When the area contained within the external boundaries of the village maps of the previous survey contemplated by sub-paragraph (1) is unsuitable as the unit of survey and record, the Settlement Officer shall, after ascertaining as far as possible, the opinions of the *raiyats* concerned, submit his proposals for the determination of the area to be adopted as the unit of record and survey to the Board of Revenue through the controlling officers to whom he is subordinate. That unit shall, if sanctioned by the Board of Revenue, be adopted in framing the record-of-rights and shall be deemed to constitute a village when a notification adopting it as such has been issued in the *Official Gazette* by the State Government. The Board of Revenue shall submit a copy of its order in each case to the State Government for the issue of the notification.

4. Khanapuri.—At this and the two following stages the draft record-of-rights shall be revised or prepared. The draft record shall consist of statements of rights which are hereinafter styled the Khatians. There shall ordinarily be a separate khatian for each person interested, or each group of persons jointly interested, in the land and each khatian shall show the rights and liabilities of each person or group of persons according to the particulars referred to in rule 23. At this stage all such particulars shall be entered in the draft record-of-rights. At this stage there shall also be prepared a field index or

khasra arranged according to the serial numbers of the fields in the villages. This field index shall not form part of the draft record-of-rights.

5. Bujharat.—When the areas of the fields have been extracted and entered in the draft record-of-rights, a copy of each khatian shall be made over by a Revenue Officer to the person or body of persons in whose name or names the khatian has been opened or to their representatives. Each khatian shall then be examined on the ground, with reference to the village map, by a Revenue Officer or such other person as may be authorised by him in this behalf and explained to the person or persons concerned or their representatives, if present. In this process the Revenue Officer or the authorised person shall make such corrections as are necessary in the map, in the draft records, and in the copies of the khatians which have been distributed, if they can be produced for this purpose. At this stage entries of the revenue and cesses which are payable according to the statement of the raiyat shall be made in the draft khatians of the raiyats and in such copies as are produced; but the other particulars which were omitted at the stage of khatapuri record writing shall be deferred until the stage of attestation.

6. Attestation.— (1) The attestation of each village shall be taken up at a convenient place in or near the village as far as possible. Before attestation begins the Revenue Officer may cause a plot to plot enquiry and survey, where necessary, for incorporating changes in maps previously prepared and for making a preliminary record of the names of possessors of each plot in operation where stages referred to in items (i) to (iv) of paragraph I have been omitted. A proclamation shall also be published before attestation begins in the village giving due notice to the *raiya*t and calling upon them to appear before the Revenue Officer on the date fixed, with relevant documents in support of their title and possession. The proclamation shall also specify that all persons who have derived or lost interest in any khatian should invariably be present at the time of attestation and that all changes which occurred in any holding since the last preparation of the finally published record-of-rights due to—

- (a) inheritance, succession, transfer or otherwise;
- (b) amalgamations or subdivision of holdings;
- (c) new settlement; or
- (d) any other reasons.

shall be brought to the notice of the Revenue Officer. As each person appears before him the Revenue Officer shall examine his khatian, read out all the entires, make corrections where required, and see that the khatian is complete in all particulars.

Disputes regarding the ownership of land, or the ownership of any interest in land, shall be decided by the Revenue Officer in a summary manner and on the basis of present possession. In the khatian of each *raiya*t or group of *raiya*t>s he shall enter with his own hand, the special conditions and incidents (if any) of the tenancy and the revenue lawfully payable to the State Government. Where revision is being made of previously prepared record-of-rights and finally published under any law for the time being in force, no fresh entry regarding these details is necessary, if they are found to be correct on the basis of present and actual possession or possession during the period stated above. In each of the khatians attested the cesses lawfully payable to the State Government shall be recorded. The Revenue Officer shall then sign and date the office copy of the khatian. When the Revenue Officer has completed the attestation of all the khatians of a village he shall draw up a formal proceeding to that effect.

(2) If during the enquiry and survey referred to in subparagraph (1) it appears to the Revenue Officer that the area contained within the external boundaries of the village maps of the previous survey is unsuitable as the unit of survey and record, he shall, after ascertaining as far as possible the opinion of the *raiya*t concerned, submit his proposals for the determination of the area to be adopted as the unit of record and survey to the Board of Revenue through the Controlling Officers to whom he is subordinate. Thereafter the procedure laid down in sub-paragraph (2) of paragraph 3 shall apply *mutatis mutandis*. In causing the aforesaid enquiry and survey, the Revenue Officer may also incorporate in the last settlement maps the plans prepared by other departments of Government as well as by private parties after such check as he considers necessary with a view to represent the existing state of affairs.

7. Allotment of separate plot number.—Where the land has been partitioned, the Revenue Officer may assign such separate plot numbers as may be needed for the purpose.

8. Draft publication, disposal of objections and final publication of the record-of-rights.— (1) Draft publication of the record-of-rights, disposal of objections and the final publication of the record-of-rights shall be made in the manner provided by rules 24 and 25.

(2) When a record-of-rights is placed for final publication a certificate in the following form shall be attached to the first volume of record of-rights of each village:—

Certificate of final publication

Village.....

Thana.....
District.....
Volume.....
Pages.....

Certified that the record-of-rights of the interests as contained in the pages noted above is finally framed and published under sub-section (2) of section 51A of the West Bengal Land Reforms Act, 1955 (West Bengal Act X of 1956) on this day of.....19.....

Date..... *Revenue Officer*

The certificate shall be sealed with the seal of the Settlement Officer. Each page of the final record shall be stamped with a seal in the following form:—

Record-of-rights finally framed and finally published under sub-section (2) of section 51A of the West Bengal Land Reforms Act, 1955 (West Bengal Act X of 1956).

SCHEDULE B

Powers of Officers making surveys and revising or preparing record-of-rights

1. When a Revenue Officer is appointed for the purpose of revising or preparing record-of-rights under section 51 in respect of any district or part of a district, he shall be appointed either with or without the additional designation of "Settlement Officer" or "Assistant Settlement Officer".

2. (i) A Revenue Officer appointed with the additional designation of "Settlement Officer" may, by general or special order, make over for disposal to any Assistant Settlement Officer subordinate to him objections under sub-section (1) and application under sub-section (4) of section 51A.

(ii) A Revenue Officer appointed with the additional designation of "Settlement Officer" may also withdraw from the file of any Assistant Settlement Officer subordinate to him any of the proceedings mentioned in clause (i) and may dispose of them himself, or transfer them for disposal to any other Assistant Settlement Officer subordinate to him.

3. In respect of all operations under section 51 of the Act which will be placed under the administrative control of the Director of Land Records and Surveys that officer is hereby appointed to discharge all the functions of a Revenue Officer under the said section and is vested with all the powers of a Settlement Officer under this Schedule.

4. (1) Except where otherwise provided for by the Act or by these rules, all proceedings and orders of Revenue Officers, passed in the discharge of any duty imposed upon them by or under the Act shall be subject to the supervision and control of the State Government; and the proceedings and orders of each Revenue Officer under the Act

shall be subject to the supervision and control of, the Revenue Officers to whom he may be declared by the State Government to be, for the purposes of the Act, subordinate.

(2) The State Government may by general or special order cancel any proceedings including the proceedings for draft publication or final publication, of the record-of-rights in any district or a part of a district in respect of all interests or a category of interests if in its opinion such action is necessary for carrying out the purposes of the Act and direct such proceedings to be carried out *de novo*:

Provided that notwithstanding anything hereinbefore contained, if in any case a record-of-rights finally framed and finally published under sub-section (2) of section 51A becomes worn out or otherwise unfit for use, the Revenue Officer, after recording the reasons therefore shall reconstruct such record-of-rights by preparing copies therefrom. When the record-of-rights has been so reconstructed the Revenue Officer shall certify it to be a true copy of the said finally framed and finally published record-of-rights and such copy shall then be treated as the record-of-rights finally framed and finally published under subsection (2) of section 51A.

¹⁰**[FORM No. a]**

(See Rule 3A)

Application for permit for quarrying sand or for digging of each and clay for the manufacture of bricks and tiles

To the Additional District Magistrate

(Through the Junior Land Reforms Officer).

Sir,

I have the honour to apply for a permit for quarrying sand or for digging or using earth and clay for the manufacture of bricks and/or tiles for commercial purpose/to allow Shri.....son of....., address.....to quarry sand or to dig or use earth and clay for the manufacture of bricks and/or tiles for commercial purpose.

The particulars of the land with respect to which such permission is required are furnished below:

1. Name of mauza in which the land is situated with jurisdiction list No.....
2. Khatian No.....and Plot No.....
3. Name of police station/district:
4. Class of land:

¹⁰ Inserted vide Notification No. 6886 L. Ref., dated 18th April 1967.

If agricultural land, whether double cropped or fit for double cropping:

5. Rent/Cess payable:

6. Area of the holding:

7. Area of the land and whether the entire area or part of it will be used for the manufacture of bricks and tiles/quarrying sand:

If part plot, specify the area and portion.

Name of applicant.....

Address.....]

¹¹[FORM No. b]

(See rule 3B.)

Permit No.....year.....

Name of the Permit holder.....

(Raiyat).

Address.....

You are permitted, or permitted to allow Shri.....of....., to quarry sand/or to dig or use earth or clay from the land comprised in cadastral survey plot No....., in mauza....., jurisdiction list No.....police station....., district....., measuring.....hectare, for a period from.....to.....for the manufacture of bricks or tiles/quarrying sands for commercial purpose and subject to the terms and conditions laid down on the reverse.

Signature of the Permit Issuing Authority

Terms and conditions:—

(a) the raiyat shall not himself, or permit any person to, quarry sand or dig or use any earth or clay from his land except under a lease granted under the Mines and Minerals (Regulation and development) Act, 1957 (Act No. 67 of 1957) ;

(b) the raiyat shall pay revenue and cess regularly;

(c) the raiyat shall not transfer the permit to any person;

(d) the raiyat shall allow the Additional District Magistrate, the Subdivisional Officer, the Subdivisional Land Reforms Officer, the Junior Land Reforms Officer or any other officer authorised by the Additional District Magistrate in this behalf, to enter upon the land for inspection;

¹¹ Inserted vide Notification No. 6886 L. Ref. dated 18th April, 1967.

(e) for actual operation of quarrying or digging or using 3 metres clear margin for every 2.5 metres depth shall be kept from the outer boundary of the adjacent plot or plots and maintained throughout the operation or the sides of the quarry shall be terraced so as to form benches in a manner where the height of any bench shall not be more than the width of the bench and clear margin of 3 metres shall be kept and maintained from the outer boundary of the adjacent land;

(f) the permit may be cancelled at any time for any breach of the conditions:

(g) the raiyat shall be wholly responsible for any breach of the conditions by the person to whom permission may be given by him for carrying out the operation.]

¹²FORM No. 1

Notice for showing cause under sub-section (2B) of section 4

(See Rule 4)

To.....

(Name and address of the *raiya*t)

Whereas it appears to me that you have dug/used...../permitted.....to dig/use earth/clay of your holding particulars of which are given below for the manufacture of bricks/tiles for the purpose of....., or have quarried/permitted to quarry sand from your holding, without the previous permission in writing of the State Government/ Additional District Magistrate authorised under sub-section (2A) of the said section/in contravention of the terms and conditions of the permission given in this behalf I do hereby call upon you to show cause on or before.....why action should not be taken against you under sub-section (2B) of section 4 of the West Bengal Land Reforms Act, 1955.

Particulars of the holding

1. District, police-station.....
2. Name of the village with jurisdiction list No.....
3. Khatian No.....and plot No.....

Prescribed authority.

FORM No. 2

(See Rule 6)

(Omitted by Notification No. 4332-L. Ref./2A—58/70 dated 24.4.71).

¹² Substituted by Notification No. 6886 L. Ref., dated 18th April, 1967.

FORM No. 3

Order under sub-section (1) of section 6.

(Omitted by Notification No. 4332-L. Ref./2A—58/70 dated 24.4.71).

FORM No. 4

(See Rule 7)

Notice under sub-section (1) of section 9 of application for transfer by co-sharer/contiguous tenant.

To

Village.....

Post office.....

District.....

Take notice that an application has been made by.....for transfer to him of the portion/share of the holding specified in the schedule on the reverse and that he has deposited the consideration money together with a further sum of ten per cent, of that amount.

You are hereby called upon to appear before me on or before.....and prove the consideration money paid for the transfer and other sums, if any, properly paid by you in respect of the lands including any sum paid for annulling incumbrances created prior to the date of transfer and rent or revenue, cesses or taxes for any period.

Munsiff

(REVERSE)

The Schedule

Column 1—Name, father's/husband's name and residential address of the applicant/ applicants.

Column 2—Village, police-station and district in which the land is situated.

Column 3—Khatian No. and Plot, of the holding of which a portion or share was transferred with area of the portion or share transferred.

Column 4—Nature of transfer. Column 5—Annual revenue payable for the portion or share of the holding.

Column 6—Consideration money or value as set forth in the document of transfer or sale price in the case of sale in execution of decree or certificate or market value determined by Court in case of foreclosure of mortgage.

Column 7—Remarks.

FORM No. 5
(See Rule 9)

Application for remission or abatement of revenue under sub-section (1) of section 11

To

The Revenue Officer of.....

The application of.....son/wife ofresident of.....
.....for remission/ abatement of revenue in respect of diluviated holding
particulars of which are given below:—

1. Particulars of the land—

(a) District, subdivision, police-station. (6) Name of village with its J.L. No. (c) Plot No.
and area of the holding.

2. Area of the land diluviated.

3.(a) Revenue or rent payable for the holding.

(b) Cesses payable for the holding.

The particulars given above are true to the best of my knowledge and belief.

Signature

FORM No. 6
(See Rule 10)

Notice of partition of holding under sub-section (2) of section 14

To

Take notice that the holding specified in the schedule on the reverse has been
partitioned among co-sharer *raiya*s as specified in the said Schedule by an instrument
registered **on**.....in the subregistry office.....police-station
district.....

Sub-Registrar

(Reverse.)

The Schedule

Column 1—Villages, police-station and district in which the holding is situated.

Column 2—Khatian No. and Plot No. and area of the holding.

Column 3—Annual revenue of the holding.

Column 4—Names, father's/husband's names and addresses of co-sharer *raiya*t.

Column 5—Area allotted to each co-sharer according to the partition deed.

Column 6—Revenue payable for each share. Column 7—Remarks.

FORM No. 7

(See Rule 12)

Application for redemption of Usufructuary mortgage under sub-section (4) of section 14C

To

The Revenue Officer of.....

The application of....., son/wife of....., resident of.....for redemption of usufructuary mortgage particulars in respect of which are given below:

1. Name and address of the mortgagee.....
2. Date of execution of the mortgage deed.....
3. The period of the mortgage.....
4. The period which has expired since the transfer of the land to the mortgage.....
5. The amount of loan taken under the mortgage.....
6. Approximate money value of the annual produce from the land at the time of transfer.....
7. Particulars of the holding under mortgage—
 - (a) Name of the village police-station and district
 - (b) Khatian No. and Plot No. of the holding.....
 - (c) Area of the holding.....

I declare that to the best of my knowledge and belief the information given by me in the above statement is correct and complete.

Signature of the Applicant/Agent

FORM No. 7A
 [See sub-rule (1) of Rule 14C]
Return under sub-section (1) of section 14T
PART I

Name of the raiyat.	Category. (Adult unmarried person or sole surviving member of a family or raiyat having a family or any other raiyat, e.g. corporation, public institution, public trust, co-operative society, company, etc.)	(Particulars for determination of the ceiling areas.)				In the case of a co-operative society, company, co-operative farming society, Hindu undivided family or a firm.		
		Name of the head of the family and of all other members of the area.	Relation-ship with the head family.	Age.	Address.	Name of each member or partner.	Address.	Area of land retained separately by each member or partner.
						Irrigated.	Other than Irrigated.	Orchard.

PART II

(Particulars for determination of the extent of land which has vested in the State)

Name of the raiyat, and in the case of raiyat having a family, names of all other raiyats, if any, in the family on behalf of whom the return is submitted.	Description of the land which is proposed to be retained within the ceiling						Area		
	District.	Police-station.	Mauza and J.L. No.	Khatian No.	Plot No.	Irrigated.	Other than irrigated.	Orchard.	
(1)						(2)			
							Total		

Description of the land in excess of the ceiling area which vests in the State.

District.	Police-station.	Mauza and J.L. No.	Khatian No.	Plot No.	Area			
					Irrigated	Other than irrigated.	Orchard.	
							Total	

Particulars of the land, if any, transferred during the period on and from the 8th August, 1969 to the 17th February, 1971.

Irrigated.	Area		To whom transferred with address of the transferee and date of transfer.
	irrigated. Other than	Orchard.	
Total			

(4)

I hereby declare that to the best of my knowledge and belief the information given by me in the above statement is correct, complete and truly stated.

Dated,

The

Signature of the *raiyat* submitting the return.

N.B.—Where there are more raiyats than one in a family, a consolidated return is to be submitted by the head of the family or by any other raiyat duly authorised in this behalf by all other raiyats in the family, and particulars and description of all agricultural lands other than tea garden lands but including homesteads owned or transferred by each such raiyat are to be shown separately in columns (2), (3) and (4) in Part II of the return against the name of each such raiyat.

¹³FORM No. 7B

[See sub-rule (1) of Rule 14E]

Application for payment of compensation under section 14 V

1. Name and address of the raiyat.....
2. Father's/Husband's name.....
3. Particulars of lands vested in the State—
 - (i) District, police-station.....
 - (ii) Names of mauzas with J.L. Nos., Khatian Nos., Plot Nos. and area
4. Total area of vested lands in the State.....
5. Whether possession of the vested land has already been taken over.....
6. Names of co-sharers, if any, with their respective shares including that of the applicant.....

I declare that to the best of my knowledge and belief the information given by me in the above statement is correct and complete.

Signature.....

Date.....

¹³ Form No. 7B added by Notification No. 16292 L. Ref. dated the 13 August, 1974 published in Cal. Gazette, Extra Ord., Part I, dated the 14 August, 1974, pp. 1609-1611

FORM No. 8

(See Rule 18)

Particulars of receipt (Counterfoil)

1. Serial No. of receipt:
2. Name of district:
3. Touzi No. to which the land appertains:
4. Name of Circle:
5. Name of village, thana:
6. Jamabandi number:
7. Name and father's name and residence of the raiyat:
8. Particulars of the holding for which revenue is paid—
 - (a) Khatian No.:
 - (b) Plot No.:
 - (c) Area:
9. Annual demand of the holding—
 - (a) Annual revenue:
 - (b) Annual Road and Public Works Cesses:
 - (c) Annual Education Cess:
 - (d) Miscellaneous demand:
 - (e) Total:
10. Amounts due at the beginning of the year—
 - (a) Under each of the clause of item 9 and the years for which they are due:
 - (b) As interest on the amount due under the said clauses:
11. By whom paid:
12. Amounts paid—

Revenue—

 - (a) Arrear:*
 - (b) Interest:
 - (c) Current:
 - (d) Advance:

Cesses—Road, Public Works and Education Cesses—

 - (a) Arrear:*
 - (b) Interest:
 - (c) Current:
 - (d) Advance:

Miscellaneous—

 - (a) Arrear:*
 - (b) Interest:
 - (c) Current:
 - (d) Advance:

Total of each of the above items—

Grand Total in words—

Particulars of receipt (Tenant's portion)

1. Serial No. of receipt:
2. Name of district:
3. Touzi No. to which the land appertains:
4. Name of Circle:
5. Name of village, thana:
6. Jamabandi number:
7. Name and father's name and residence of the raiyat:
8. Particulars of the holding for which revenue is paid—
 - (a) Khatian No.:
 - (b) Plot No.:
 - (c) Area:
9. Annual demand of the holding—
 - (a) Annual revenue:
 - (b) Annual Road and Public Works Cesses:
 - (c) Annual Education Cess:
 - (d) Miscellaneous demand:
 - (e) Total:
10. Amounts due at the beginning of the year—
 - (a) Under each of the clause of item 9 and the years for which they are due:
 - (b) As interest on the amount due" under the said clauses:
11. By whom paid:
12. Amounts paid—

Revenue—

 - (a) Arrear:*
 - (b) Interest:
 - (c) Current:
 - (d) Advance:

Cesses—Road, Public Works and Education Cesses—

 - (a) Arrear:*
 - (b) Interest:
 - (c) Current:
 - (d) Advance:

Miscellaneous—

 - (a) Arrear:*
 - (b) Interest:
 - (c) Current:
 - (d) Advance:

Total of each of the above items—

Grand Total in words—

13. Date of payment:
Signature of the tahasildar or the person receiving
the payment.
*State the year or the installment in respect of which
payment is made.

13. Date of payment: Signature of the tahasildar or the
person receiving the payment.

NOTE:—When payment is made by cheque its particulars should be noted here.

¹⁴FORM No. 8A [See Rule 20 (A)]

Deed of settlement

This Indenture made this day of one thousand nine hundred and
Between the GOVERNOR OF THE STATE OF WEST BENGAL hereinafter referred to as
the 'Governor' (which expression shall include his successor in office and
assigns) of the ONE PART AND....., son of.....,of village....., Police
station....., Sub-division District.....hereinafter referred to as the
'Raiyat' (which expression shall unless excluded by or repugnant to the context be
deemed to include his heirs executors administrators representatives and assigns) of the
OTHER PART.

Whereas the Raiyat has approached the Government of West Bengal (hereinafter
referred to as the, 'Government') for granting and demising unto him the land referred to
in the Schedule hereunder written as a raiyat under the West Bengal Land Reforms Act,
1955, for agricultural purposes.

And whereas the Collector/Additional District Magistrate of the District of.....has
been satisfied as to the eligibility of the said Raiyat to have and to hold the said land
mentioned and described in the Schedule hereunder written and the Government had
decided to demise and grant unto the Raiyat the said land subject to the terms and
conditions is hereinafter expressed.

Now THIS INDENTURE WITNESSETH as follows:—

1. That the Governor doth hereby grant and demise to and unto the said Raiyat the
lands mentioned and described in the Schedule hereunder written as from the first
day of Baisakh B.S. to hold the same as a raiyat under the provisions of the
West Bengal Land Reforms Act, 1955 or any statutory modification thereof and any rules
framed thereunder for the time being in force subject to the payment of the revenue and
the observance, performance and fulfilment of the terms, conditions and covenant
herein contained on the part of the Raiyat hereinafter contained.

¹⁴ This Form 8A has been added by Notification No. 8416 L. Ref. dated 1.7.68. Published in Cal.
Gaz. Extra-ord., Part I dated 6.7.68 pp. 1627-1629.

2. The Raiyat to the intent that the obligation shall continue throughout the period of his holding the said lands & a aforesaid hereby agrees and covenants with the Governor as follows:—

(a) That the Raiyat shall pay the revenue for the said land at the rate of Rs. per annum.

PROVIDED ALWAYS that the said rate of revenue may be revised by the Government as may be permissible in law from time to time and in case of such revision the Raiyat shall pay the said revenue so fixed on revision.

(b) That besides the said revenue payable by the Raiyat, the Raiyat shall duly and punctually pay all cesses, taxes and other impositions as may be assessed to be payable in respect of the said lands or on the person in possession or occupation thereof.

(c) That the Raiyat shall diligently cultivate the said lands by his own labour or by the labour of the members of his family and shall not use the lands for any non-agricultural purpose.

(d) That the Raiyat shall duly observe, fulfil and perform all provisions of the said Act or any other law for the time being in force and applicable to the tenancy hereby created and abide by all rules and regulations as may be applicable to the said lands or to the tenancy hereby created.

3. That the Governor doth hereby covenant with the Raiyat that the Raiyat observing, fulfilling and performing all the terms, obligations and covenants hereinbefore contained shall enjoy the said lands as a raiyat without any interruption by the Governor or the Government or any Officer of the Government.

4. PROVIDED ALWAYS AND IT IS HEREBY AGREED that in case of breach on the part of the Raiyat of any of the terms, conditions and covenants hereinbefore contained, the Governor shall have the right and be entitled to take appropriate proceedings against the Raiyat or take steps for the enforcement of the rights of the Government as provided in law for the time being in force.

THE SCHEDULE ABOVE REFERRED TO:

Lands comprised in C. S. Plot No.....Khatian No.....in mauza.....(J.L. No.....),
P. S.....in the.....Subdivision of District.....measuring.....acre
(...hectare) more or less and valued at Rs.....(Rupees.....) only.

IN WITNESS WHEREOF the parties to these presents have hereunto set and subscribed their respective hands the day month and year first above written.

SIGNED for and on behalf of the
 GOVERNOR of the STATE OF
 WEST BENGAL by.....
 in the presence of:.....
 SIGNED by the said.....
(Raiyat)
 in the presence of:.....

FORM No. 9.
 (See Rule 24)
 (OBVERSE)
 Objection under sub-section (1) of section 51A

Objection No.....
 Village Name and No.....

Seventy-five paisa Court-Fee Stamp.
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1. Name, father's name, and address of objector.
2. Name, father's name, and address of person against whose khatian objection is made.

3. Nos. of khatians under objection.	4. Nos. of plots, if any under objection.	5. Nature of objection, e.g., status, rent, possession, etc.

6. Matters objected to with details of objection, and the relief sought.
7. Signature of objector and date.

Objection No.....Objection duly received and entered.
 Village Name and No.....

Revenue Officer

(REVERSE)

Present on behalf of objector.

Present on behalf of the other party.

Grounds of decision and order

Order in Bengali

Corrections in khatian under objection,
according to order.

Correction in corollary khatians.

By order of the Governor
Secy, to the Govt, of West Bengal

FORM Nos. 10 to 13

[Omitted by Notification No. 18720 L. Ref. dated 19 December 1972 published in Calcutta Gazette Extra Ord., Pt. I, No. 692 dated the 20 December 1972].