

No. 525(111)



(Bazı

# Calcutta

Extraordinary Published by Authority

BHADRA 9]

SATURDAY, AUGUST 31, 1963

[SAKA 1885

## PART III.-Acts of the West Bengal Legislature

GOVERNMENT OF WEST BENGAL

LEGISLATIVE DEPARTMENT

NOTIFICATION

No. 2970L. — 31st August, 1963. — The following Act of the West Bengal Legislature, having been assented to by the President, is hereby published for general information:—

### West Bengal Act XXII of 1963 THE WEST BENCAL ESTATES ACQUISITION (AMENDMENT) ACT, 1963.

[Passed by the West Bengal Legislature.]

[ Assent of the President was first published in the Calcutta Gazette, Extraordinary, of the 31st August, 1963.]

An Act to amend the West Bengal Estates Acquisition Act, 1953.

WHEREAS it is expedient to amend the West Bengal West Ben. Estates Acquisition Act, 1953, for the purposes and in the manner hereinafter appearing;

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

Short title.

1. This Act may be called the West Bengal Estates Acquisition (Amendment) Act, 1963.

2. To clause (c) of section 5 of the West Bengal Estates Acquisition Act, 1953 (hereinafter referred to as the said section 5 of Act), the following provisos shall be added, namely :-

"Provided that if any non-agricultural tenant pays rent wholly in kind or partly in kind and partly in cash, then, notwithstanding anything contained in the fore-going clause, he shall pay such rent as a Revenue Officer specially empowered by the State Government in this behalf may determine in the prescribed manner and in accordance with the principle laid down in clause (*ii*) of section 42: of section 42:

Provided further that any person aggrieved by an order passed by the Revenue Officer determining rent under the first proviso may appeal to such authority and within such time as may be prescribed.".

Amend. ment of West Ben. Act I of 1954.

2873

Act I of 1954.

2874

VHAVIO GOL

Ame

section 6.

ment of

The West Bengal Estates Acquisition (Amendment) Act, 1963.

#### (Sections 3-7.)

3. In section 6 of the said Act-

- (1) in the Exception to sub-section (1), for the words "Nothing in this sub-section", the words "Subject to the provisions contained in sub-section (3), nothing in this sub-section" shall be substituted and shall be deemed always to have been substituted;
- (2) to sub-section (3); after the Explanation, the following Exception shall be added and shall be deemed always to have been added, namely:

"Exception.—In the case of land allowed to be retained by an intermediary or lessee in respect of a teagarden, such land may include any land comprised in a forest if, in the opinion of the State Government, the land comprised in a forest is required for the tea-garden.";

"or in any embankment, referred to in the *Exception* to sub-section (1)".

Amend. 4. In sub-section (1) of section 14 of the said Act, for ment of the words "eight years", the words "ten years" shall be section 14.

Amend. 5. In section 16 of the said Act, in clause (b) of subsection 16. section (1), after sub-clause (v), the following sub-clause shall be added, namely:

> "(vi) any sum payable by such intermediary out of the income of an estate or interest which has vested in the State under section 5, to a corporation or an institution established exclusively for a religious or a charitable purpose or both, or to a person holding under a trust or an endowment or other legal obligation exclusively for a purpose which is charitable or religious or both, where such estate or interest was held partly for a religious or charitable purpose and partly for a purpose other than religious or charitable.

> Explanation.—Any income from a wakf, trust or an endowment which is payable for the support of the founder or his family or descendants shall not be deemed to be income payable for a religious or charitable purpose.".

Amendment of section 17. 6. For sub-section (3) of section 17 of the said Act, the following sub-section shall be substituted, namely :---

"(3) The sum referred to in sub-clause (v) or sub-clause (vi) of clause (b) of sub-section (1) of section 16 shall be payable to the corporation, institution or person, as the case may be, as a perpetual annuity.".

Amendment of section 21.

d. 7. In sub-section (2) of section 21 of the said Act, after of the words "appeal under section 20", the words "or on revision under section 22" shall be inserted.

No Part

Printed and published by the Superintendent, Government Printing, West Bengal, at the West Bengal Government Press, Alipore. THE CALCUTTA GAZETTE, EXTRAORDINARY, AUGUST 31, 1963

#### Acquisition (Amendment) Act, The West Bengal Estates 1963.

#### (Sections 8-12.)

Amend-

8. In sub-section (1) of section 23 of the said Act-

ment of section 23.

(i) in clause (a), for the words "the date of the offer of payment under this sub-section", the words "the date of final publication of the Compensa-tion Assessment Roll" shall be substituted and shall be deemed always to have been substituted. shall be deemed always to have been substituted; and

2875

H td 0

in the second brand theme

(ii) to clause (a), the following provisos shall be added and shall be deemed always to have been added, namely :--

"Provided that in assessing interest under this clause, interest on all ad interim payments made under section 12 shall, from the date of any such payment to the date of final publication of the Compansation Assessment Roll, be excluded :

Provided further that in any case where the amount of compensation is enhanced as a result of an appeal under section 20, interest shall, subject to the provisions of the first proviso, be calculated from the date of vesting to the date of final pub-lication of the Compensation Assessment Roll on the amount as determined on appeal.".

Amend ment of section 44.

9. In sub-section (2a) of section 44 of the said Act, for the words "six years", the words "nine years" shall be substituted.

10. In section 15 of the said Act, for the words "within five years", the words "within nine years" shall be Amona ment of section 45. substituted.

Amendment of section 52. 11. In the proviso to section 52 of the said Act-(i) in clause (b), for the words "provisions of section 42.", the words "provisions of section 42; and" shall be substituted; and

(ii) after clause (b), the following clause shall be added, namely

"(c) in cases where he was liable to pay rent wholly in kind or partly in kind and partly in cash, then, notwithstanding anything contained in clause (c) of section 5, such rent as may be assessed in accordance with the provisions of section 40.".

Repeal and savings.

(1) The West Bengal Estates Acquisition (Amend- West Ben. Ord. 11 of 12. (1) The West Bengal Estates not ment) Ordinance, 1963, is hereby repealed. 1963.

(2) Anything done or any action taken under the said Act as amended by the West Bengal Estates Acquisition (Amendment) Ordinance, 1963, shall be deemed to have been validly done or taken under the said Act as amended by this Act as if this Act had commenced on the 27th day of May, 1963.

> By order of the Governor, S. SENGUPTA, Secy. to the Govt. of West Bengal.

Printed and published by the Superintendent, Government Printing, West Bengal, at the West Bengal Government Press, Aliporo.

PART III]