

Government of West Bengal
Department of Land & Land Reforms and Refugee Relief & Rehabilitation
Land Policy Branch
NABANNA
325, Sarat Chatterjee Road
P.O. Shibpur, Howrah-711102

Memo No: 3078 - LP/1A-03/17

Dated: 01-08-2023

From : The Deputy Secretary to the Govt. of West Bengal

To : The DM and Collector
Alipurduar/ Coochbehar/ Darjeeling/ Jalpaiguri/ Kalimpong/ Uttar Dinajpur

Sub : Proposal for granting homestead patta on surplus / unutilised resumed land of tea garden to the eligible beneficiaries through a Scheme

Sir/Madam,

With reference to the above mentioned subject, I am directed to send herewith copies of Scheme and SOP for distributing homestead pattas among landless tea garden labourers in North Bengal and request you to :

- (i) conduct detailed survey to identify unutilized / surplus land of tea garden (old tea garden where land retained under section 6(1)(f) read with section 6(3) of the WBEA Act, 1953) and
- (ii) find the list of eligible beneficiaries to be selected from retiring/retired employees of the tea garden concerned or long time occupiers on such land. .

You are requested to furnish tea garden wise resumption proposal on the basis of aforesaid survey reports to this Department in the usual manner.

This has approval of the Cabinet in its 44th Meeting dated 24-07-2023.

Yours faithfully,

Sentan 1/8/23

Deputy Secretary to the Government of West Bengal

Encl: As stated above.

Memo No.: 3078/1(2) -LP

Dated: 01-08-2023

Copy forwarded for information and necessary action to:

1. The DLRS and Joint LRC, West Bengal
35, Survey Building, Gopalnagar Road, Alipore, Kolkata- 700 027
Email: dlrswb@gmail.com
2. ADM and DL&LRO, Alipurduar/ Coochbehar/ Darjeeling/ Jalpaiguri/ Kalimpong/ Uttar Dinajpur

Sentan 1/8/23

Deputy Secretary to the Government of West Bengal

o/c

Government of West Bengal

Department of Land & Land Reforms and Refugee Relief & Rehabilitation

Land Policy Branch

Nabanna (6th floor), 325, Sarat Chatterjee Road

Shibpur, Howrah- 711102

NOTIFICATION

No. 3076 - LP/1A-04/23

Date: 01.08.2023

SCHEME FOR DISTRIBUTING HOMESTEAD PATTAS AMONG LANDLESS TEA GARDEN LABOURERS IN NORTH BENGAL

A large number of labourers attached to the Tea Gardens of the North Bengal reside within the surrounding areas of the tea gardens. They only possess land on which they stay without any right over such land. Apart from that, there are also some occupiers on the land of Tea Gardens.

The tea gardens were allowed to retain such land under the provisions of Section 6(3) of the West Bengal Estates Acquisition Act, 1953.

A. Objective of the scheme:

The State Government has been contemplating to resolve the age old problem of the landless tea garden labourers by distributing homestead pattas amongst such landless tea garden Labourers in the districts of North Bengal over the unutilized/ surplus land of the tea gardens.

For implementation of this scheme the unutilized/ surplus land of the tea garden which was allowed to be retained by the said tea gardens under Section 6(3) of the West Bengal Estates Acquisition Act, 1953 may be resumed and distributed amongst the eligible beneficiaries.

B. Design of the Scheme:

1. DM & Collectors of Darjeeling, Jalpaiguri, Kalimpong, Alipurduar, Coochbehar and Uttar Dinajpur districts will conduct survey of the unutilized/ surplus land of the tea garden.
2. Proposal for resumption of the unutilized/ surplus land of the tea garden will be sent by the DM & Collectors with all necessary particulars with NOC of the Tea Garden (where the said tea garden is being run on the basis of a valid lease deed), copy of retention order, copy of lease deed, land schedule and copy of record of rights.
3. Home stead Pattas shall be granted to the eligible families upto the extent of 5 decimals of land.
4. These Pattas shall be heritable but not transferable.

- C. The scheme shall be called Scheme for Distribution of Homestead Pattas among landless tea garden labourers in North Bengal.
- D. Eligibility of beneficiaries: Retiring and / or retired Landless labourers and Long term occupiers of Tea Garden in the aforesaid districts of North Bengal shall be given homestead pattas from such resumed land.
- E. Land settlement (distribution):
1. For the purpose of implementation of the scheme the unutilised/surplus land of tea garden is to be properly identified and resumed following due process of law.
 2. (a) After resumption of unutilised/surplus land of tea garden, the concerned BL&LRO shall conduct the land settlement process under Section 49 of WBLR Act.

(b) Settlement (*Patta*) shall be executed in the name of the female member of the family in case where the female member is the head of the family. In other cases deed of settlement should be in the name of male member and the female of the family jointly.

(c) Settlement of *Patta* shall be executed solely in the name of a male member only in cases where there is no female member in the family.

(d) Settlement (*Patta*) shall be executed in duplicate in the prescribed format. One copy shall be retained in the office of the BL&LRO and the other copy shall be handed over to the allottee. *Patta* shall be signed by the concerned BL&LRO on behalf of Governor.

(e) A *Khatian* shall be mandatorily opened in favour of each settlee before handing over of *patta*. A copy of ROR (*Parcha*) and a sketch map showing the area are to be provided to each settlee along with the Deed of Settlement (*Patta*).

(f) The BL&LRO shall ensure that physical possession of the land is made over to each settlee along with a possession certificate. A sketch map of the area showing the possession respective settlees shall be prepared by the BL&LROs and preserved with the case record.
 3. In case any settlee violates the terms and conditions of settlement, relinquishes his possession in favour of any other person the Government may cancel the *Patta* through a procedure under Section 49(2) of WBLR Act) and allot the same land to other suitable beneficiary of the concerned family under this scheme, following the priorities already set herein before.

F. Priority during selection of beneficiaries:

While the programme focuses on Landless tea garden Labourer families, who reside within the tea garden as well as the occupiers of the unutilised /surplus land of the tea gardens, it is necessary to further focus and prioritise on the families headed by female members.

G. Preliminary identification of potential beneficiaries :

In order to identify the deserving families as per criteria and priorities set above, the following two step approach may be taken:

(1) The first step is to collect the lists of families of landless/homeless Tea Garden Labourers from available sources, viz. the list of Tea Garden Labourers from the pay role of the employer, the Department of Labour and other sources as to be decided by the DM & Collector. On the other hand, for occupiers of the unutilised /surplus land of the tea gardens, a detailed survey shall be conducted by the DM & Collectors/DL&LROs.

(2) The second step is to physically verify whether the families so identified fulfil the criteria of getting homestead patta as per WBLR Act.

H. Land size and suitability:

Each eligible family will be given homestead patta on the resumed unutilised /surplus land of the tea garden but not exceeding 5 decimals of land.

I. Cluster approach for settling families :

It is important to establish appropriate neighbourhood for the beneficiary families. Therefore, the Committee is to be formed for this scheme to ensure that the land which is proposed to give patta shall be large enough to provide homestead plots to a minimum members of 10 to 15 families arranged in a cluster and also large enough to provide basic amenities like housing, drinking water, sanitation, internal roads, drainage, street lights, and livelihood-extension services under various development schemes. All of these will enhance the usefulness of the allotted land.

J. Land identification and process of distribution:

Selected beneficiaries will be given homestead patta from the land identified in the above manner on recommendation of the Committee to be constituted for this purpose.

K. Programme Implementation Committee:

The programme implementation committee is named as under with the following members:

- | | | | |
|----|-----------------------------------------------------------------------|---|-----------------|
| a. | Sub-divisional Officer | - | In the Chair |
| b. | Sub-divisional Land & Land Reforms Officer- | - | Member |
| c. | Sabhapati of the Panchayat Samity | - | Member; |
| d. | Block Development Officer (BDO) | - | Member. |
| e. | Karmadhyakya, Bon-O-Bhumi- Sanskar Sthayee Samiti /GTA Representative | - | Member |
| f. | Assistant Director Agriculture (Admn) | - | Member. |
| g. | Block Land & Land Reforms Officer | - | Member Convenor |
| h. | Assistant Labour Commissioner | - | Member. |
| i. | Representative of Tea Garden | - | Member. |

L. Supervisory Committee:

The Supervisory committee is named as under with the following members:

- | | | | |
|----|----------------------------------------------------------------------------------------|---|-----------------|
| a. | District Magistrate | - | In the Chair |
| b. | District Land & Land Reforms Officer | - | Member Convenor |
| c. | Karmadhyakya, Bon-O-Bhumi- Sanskar Sthayee Samiti (Zilla Parishad) /GTA Representative | - | Member |
| d. | Deputy Director of Agriculture (Admn) | - | Member. |
| e. | Deputy Labour Commissioner | - | Member. |

This scheme comes into force with immediate effect.

By order of the Governor,

AJOY SANYAMATH

Secretary to the Government of West Bengal

SOP

Scheme for distribution of homestead pattas among landless tea garden workers etc. [old tea gardens whose land are retained under section 6(3) of the West Bengal Estates Acquisition Act, 1953] in North Bengal:

Districts involved: Uttar Dinajpur, Coochbehar, Darjeeling, Jalpaiguri, Alipurduar, Kalimpong

- **Identification / demarcation of land within tea garden:**
 - (a) District Magistrate shall conduct survey to identify surplus/ unutilized land of tea garden. Such land should not as far as possible in the midst of the tea garden preferably at any corner of the tea garden.
 - (b) For any running tea garden, NOC of the tea garden management shall have to be obtained for its subsequent resumption for distribution of homestead patta.
 - (c) The land parcel should contain a minimum area to provide patta distribution amongst at least 10 to 15 families with provision for development of basis infrastructure like drinking water, electricity, connecting road, drainage, street lights and other livelihood-extension services under various Government development Schemes.
- **Sending of proposal for resumption of tea garden surplus land to the Department:**

Proposal for resumption of the land should contain field enquiry report, NOC of the tea garden management (for running tea garden), copy of retention order, copy of the last/existing lease deed, land schedule, copy of RoRs and recommendation of the DM& Collector concerned.
- **Selection of beneficiary for homestead patta:**
 - (a) All beneficiaries should fulfill the eligibility criteria in terms of section 49(1) of the West Bengal Land Reforms Act, 1955.
 - (b) Beneficiary shall have to be selected from the retiring /retired employee of the tea garden concerned and long time occupiers on tea garden land through the Programme Implementation Committee.
- **Patta Distribution:**
 - (a) After identification and resumption of the land, it will be brought under the disposal of the Collector of the district concerned (khatian No.1).
 - (b) Homestead patta not exceeding 5 decimals per family depending upon the size of the family shall be distributed on the basis of recommendation of the Programme Implementation Committee preferably to the woman member of the family.
 - (c) These pattas shall be heritable but not transferrable.