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PART III—Acts of the West Bengal Legislature

GOVERNMENT OF WEST BENGAL

LEGISLATIVE DEPARTMENT

NOTIFICATION

No. 2601-L.—19th September, 1972. — The following Act of the West Bengal Legislature, having been assented to by the President, is hereby published for general information:—

West Bengal Act XXVIII of 1972

THE WEST BENGAL LAND REFORMS (SECOND AMENDMENT) ACT, 1972.

[Passed by the West Bengal Legislature.]

[Assent of the President was first published in the *Calcutta Gazette, Extraordinary*, of the 19th September, 1972.]

An Act to amend the West Bengal Land Reforms Act, 1955.

WHEREAS it is expedient to amend the West Bengal Land Reforms Act, 1955, for the purposes and in the manner hereinafter appearing;

West Ben. Act X of 1956,

It is hereby enacted in the Twenty-third 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 Land Reforms (Second Amendment) Act, 1972.

Amendment of section 14C of West Ben. Act X of 1956. 2. In section 14C of the West Bengal Land Reforms Act, 1955 (hereinafter referred to as the said Act), in subsection (1), for clause (d), the following clause shall be substituted, namely:—
“(d) by gift or will to a person belonging to a Scheduled Tribe;”.

Substitution of new section for section 23B. 3. For section 23B of the said Act, the following section shall be substituted, namely:—

‘Re-assessment of revenue, exemption of revenue of small holdings and payment of surcharge. 23B. (1) Notwithstanding anything contained in this Chapter,—

(a) where on an application made by a raiyat or otherwise, the Revenue Officer makes an order that the total area of land held by a raiyat

*The West Bengal Land Reforms (Second Amendment) Act,
1972.*

(Section 3.)

within his holding or holdings does not exceed 1.214 hectares, the *raiyat* shall be exempted from paying revenue in respect of his holding or holdings with effect from the 1st day of *Baisakh*, 1376 B.S.:

Provided that such exemption shall not affect the liability of the *raiyat* to pay any cess imposed on him under the Cess Act, 1880, or the Bengal (Rural) Primary Education Act, 1930, or any other law for the time being in force on the basis of the present revenue of his holding or holdings:

Ben. Act
IX of 1880.
Ben. Act
VII of
1930.

Provided further that a *raiyat* shall not be entitled to exemption from paying revenue under this section if as a result of transfer or partition made after the 1st day of *Baisakh*, 1376 B.S., the total area of his land is reduced to 1.214 hectares or less;

Explanation.—The expression “land held by a *raiyat* within his holding or holdings” shall mean where there are more than one *raiyat* in a family, the aggregate area of lands held by all such *raiyats*;

(b) subject to the provisions contained in clause (a), the revenue payable by a *raiyat* in respect of his holding or holdings shall be at the rate of the present revenue up to the end of 1378 B.S., and thereafter, at thrice the rate of the present revenue if the land included in the holding or holdings is situated in an irrigated area and at twice the rate of the present revenue if such land is situated in a non-irrigated area;

(c) if the total area of land held by a *raiyat* in respect of his holding or holdings is 4 hectares or more in one *mouza*, he shall, with effect from the first day of *Baisakh*, 1379 B.S., pay, in addition to the revenue payable by him for such land, a surcharge at the rate of ten per cent. of such revenue;

(d) if any amount already paid by a *raiyat* is in excess of the revenue payable by him under this section, the same shall be refunded to him, but if there is any deficiency in such payment the same shall be recovered from him as an arrear of revenue under the Bengal Public Demands Recovery Act, 1913, without any claim for interest being made upon the same.

Ben. Act
III of 1913.

Explanation.—For the purposes of this section,—

(a) the term “family” in relation to a *raiyat* shall be deemed to consist of himself, his wife, minor sons and unmarried daughters, if any;

(b) the expression “irrigated area” shall have the same meaning as in clause (d) of section 14K; and

(c) the expression “present revenue” in relation to any holding means the amount of revenue payable by a *raiyat* in respect of such holding immediately before the commencement of the West Bengal Land Reforms (Second Amendment) Act, 1969.

West Bengal
Act XXIII
of 1969.

(2) Any person aggrieved by an order made by the Revenue Officer under clause (a) of sub-section (1) may prefer an appeal to such authority as the State Government may, by notification in the *Official Gazette*, specify within thirty days from the date of such order or within such further time as such authority may, on sufficient cause being shown, allow.

Amend-
ment of
section 3

Amend-
ment of
section

Amend-
ment of
section

Amend-
ment
section

*The West Bengal Land Reforms (Second Amendment) Act,
1972.*

(Sections 4—7.)

Amend-
ment of
section 38.

4. To section 38 of the said Act, the following
Explanation shall be added, namely:—

Explanation.—For the purposes of this section and
sections 35, 36 and 37 “revenue” shall include
“surcharge”.

Amend-
ment of
section 43.

5. Sub-section (6) of section 43 shall be omitted.

Amend-
ment of
section 49.

6. Section 49 of the said Act shall be renumbered as
sub-section (1) thereof and after sub-section (1) as so re-
numbered, the following sub-sections shall be inserted,
namely:—

(2) If a Revenue Officer, on his own motion or on
application made to him in that behalf, is
satisfied, after hearing the person who is for the
time being in actual occupation of any land and
after making such enquiry as may be prescribed,
that settlement of such land was obtained by any
person under sub-section (1) by practising fraud
or misrepresentation, he may, by order in writing,
annul the settlement.

(3) When a Revenue Officer makes an order under sub-
section (2) annulling settlement of any land, the
Revenue Officer shall—

(a) if he is a Magistrate, enforce delivery of
possession of such land to the Collector, or

(b) if he is not a Magistrate, apply to a Magistrate
and such Magistrate shall enforce delivery of
possession of such land to the Collector,

after evicting the person in actual occupation of such
land.

(4) Any person aggrieved by an order made under sub-
section (2) may, within thirty days from the date
of such order, prefer an appeal to such authority
as the State Government may, by notification in
the *Official Gazette*, specify and the order passed
by such authority in appeal shall be final.”

Amend-
ment of
section 53.

7. In section 53 of the said Act, for the word and figure
“section 6”, the words and figures “sub-section (2) of
section 14U” shall be substituted.

Gen. Act
II of 1913.

By order of the Governor,
N. C. DATTA,

Special Secretary to the Govt. of West Bengal.