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PART III—Acts of the West Bengal Legislature

GOVERNMENT OF WEST BENGAL

LEGISLATIVE DEPARTMENT

NOTIFICATION

461-L.—21st June, 1974.—The following Act of the West Bengal Legislature, having been assented to by the President, is hereby published for general information:—

West Bengal Act XXXIII of 1974

**THE WEST BENGAL LAND REFORMS (AMENDMENT)
ACT, 1974.**

[Passed by the West Bengal Legislature.]

[Assent of the President was first published in the *Calcutta Gazette, Extraordinary*, of the 21st June 1974.]

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-fifth 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 (Amendment) Act, 1974.

Insertion
of new sec-
tion 4B in
West Ben.
Act X of
1956.

2. After section 4A of the West Bengal Land Reforms Act, 1955 (hereinafter referred to as the said Act), the following section shall be inserted, namely:—

“Maintenance and preservation of orchard. 4B. (1) Every *raiyat* owning any orchard shall maintain and preserve the orchard in such manner that its area is not diminished or its character is not changed, except with the previous permission in writing of the Board of Revenue.

The West Bengal Land Reforms (Amendment) Act, 1974.

(Sections 3—7.)

(2) If any *raiyat* commits a breach of the provisions of sub-section (1), the prescribed authority may, after giving in the prescribed manner an opportunity to the *raiyat* to show cause against the action proposed to be taken, impose upon him a fine not exceeding two thousand rupees and where the offence is a continuing one, a further fine not exceeding two hundred rupees for each day during which the breach continues and the fine, if not duly paid, shall be recoverable as a public demand.

(3) An appeal shall lie from any order made under sub-section (2) in accordance with the provisions of sections 54 and 55."

Amendment of section 14K.

3. In section 14K of the said Act, in clause (d), for the words "from any State canal irrigation project or State (power driven deep tubewell) irrigation project", the words "or thereafter, from any State canal irrigation project or State (power driven deep tubewell) or State (power driven shallow tubewell) or State river-lift irrigation project" shall be substituted.

Amendment of section 14Q.

4. In section 14Q of the said Act, after sub-section (2), the following sub-section shall be, and shall be deemed always to have been, inserted, namely:—

"(2A) In determining the ceiling area of a trust or institution of a public nature, established exclusively for a charitable or religious purpose or both, the number of its centres or branches in the State established before the 7th day of August, 1969, which do not hold any land as a *raiyat* shall be taken into account and each such centre or branch shall be deemed to be a *raiyat* for the purpose of clause (e) of sub-section (1) of section 14M so, however, that the ceiling area of such a trust or institution shall not exceed the sum total of the ceiling areas of each such centre or branch and of itself."

Amendment of section 14T.

5. To sub-section (3) of section 14T of the said Act, the following proviso shall be added, namely:—

"Provided that where a *raiyat* has exercised his choice of retention of land within the ceiling area in such a way that portions of more than one plot are to vest in the State, the Revenue Officer may disregard the choice exercised by the *raiyat* and may, after giving the *raiyat* an opportunity of being heard, determine the plot or, where necessary, plots of land proposed to be retained by the *raiyat* from which an area equal to the area of the portions of the plots shown in the return to be in excess of the ceiling area, is to vest in the State and take possession of such land."

Amendment of section 18.

6. In section 18 of the said Act, in sub-section (2), after the words, brackets and figure "referred to in sub-section (1)", the words "or otherwise" shall be inserted.

Amendment of section 21.

7. In section 21 of the said Act, after sub-section (2), the following sub-section shall be added, namely:—

"(3) If any question as to whether a person is or is not a *bargadar* arises in the course of any proceedings before any Civil or Criminal Court, the Court shall refer it to the officer or authority mentioned in sub-section (1) of section 18 for decision."

The West Bengal Land Reforms (Amendment) Act, 1974.

(Sections 8—12.)

Insertion
of new sec-
tion 23C.

8. After section 23B of the said Act, the following section shall be inserted, namely:—

“Partial applica-
tion of section
23B to the
hilly portion of
the district of
Darjeeling.
23C. The provisions of section 23B
other than those contained in clause (a)
of sub-section (1) thereof shall not
apply to any land in the hilly portion
of the district of Darjeeling referred to
in clause (b) of section 14R, where the *raiyat* shall,
subject to the provisions of clause (a) of sub-
section (1) of section 23B, pay revenue at the same
rate at which it was payable in respect of the hold-
ing immediately before the commencement of the
West Bengal Land Reforms (Second Amendment)
Act, 1969.”

West Ben.
Act XXIII
of 1969.Amend-
ment of
section 38.

9. In section 38 of the said Act, for the existing provisos, the following provisos shall be substituted, namely:—

“Provided that no *raiyat* shall be liable to be arrested or detained in civil prison or to have his homestead attached or sold in pursuance of any order under the said Act:

Provided further that before any property is sold in execution of a certificate under the said Act, the *raiyat* may, on an application made by him, be allowed to pay off the arrears in such instalments as may be prescribed:

Provided also that whenever any immovable property is sold, the purchaser may annul any incumbrance on such property in the manner prescribed.”

Amend-
ment of
section 51.

10. In section 51 of the said Act, after sub-section (3), the following sub-sections shall be added, namely:—

“(4) Notwithstanding anything contained in the West Bengal Non-Agricultural Tenancy Act, 1949, where any non-agricultural land is comprised in the holding of a *raiyat* or where any agricultural land is comprised in any non-agricultural tenancy, the Revenue Officer shall—

West Ben.
Act XX of
1949.

(a) divide the holding or tenancy, as the case may be, so as to constitute separate holdings or tenancies for the agricultural land and the non-agricultural land;

(b) apportion the existing revenue or rent, as the case may be, between the holdings and the tenancies so constituted, on the basis of area; and

(c) record the non-agricultural tenant holding any agricultural land, whether under a superior tenant or not, as a *raiyat* holding directly under the State.

(5) There shall be a separate *khatian* for each *raiyat* and the *khatian* shall include all lands held by such *raiyat* in one *mauza*.”

Amend-
ment of
section
51A.

11. In section 51A of the said Act, in sub-section (9), the words “until it is proved by evidence to be incorrect” shall be omitted.

Amend-
ment of
section
51C.

12. Section 51C of the said Act shall be re-numbered as sub-section (1) of that section and after sub-section (1) as so re-numbered, the following sub-section shall be added, namely:—

“(2) No Civil Court shall entertain any suit or application concerning any land if it relates to alteration of any entry in the record-of-rights finally published, revised, corrected or modified under any of the provisions of this Chapter.”