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[SAKA 1897

PART III—Acts of the West Bengal Legislature

GOVERNMENT OF WEST BENGAL

LEGISLATIVE DEPARTMENT

NOTIFICATION

the Gov-
MOITRA
of West

No. 1640-L.—10th July, 1975.—The following Act of the West Bengal Legislature, having been passed by the Legislature and assented to by the President, is hereby published for general information:—

West Bengal Act XXIII of 1975

**THE WEST BENGAL LAND REFORMS
(AMENDMENT) ACT, 1975.**

[Passed by the West Bengal Legislature.]

[Assent of the President was first published in the *Calcutta Gazette, Extraordinary*, of the 10th July, 1975.]

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-sixth 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, 1975.

Amend-
ment of
section 49
of West-
Ben. Act
X of 1956.

2. In section 49 of the West Bengal Land Reforms Act, 1955,—

(i) for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) Notwithstanding anything contained elsewhere in this Act or in any other law for the time being in force, settlement of any land which is at the disposal of the State Government, shall be made without any premium being charged for it, in such manner as may be prescribed, with persons who are residents of the locality where the land is situated, and who together with other members of their family, own no land or less than 1.00 hectare of land, one half of the lands cultivated by them as *bargadars* being

The West Bengal Land Reforms (Amendment) Act, 1975.

(Section 2.)

taken into account for the purpose of calculating the aggregate of such land, and subject to the following conditions, namely:—

- (a) that, in the case of agricultural land, such person intends to bring the land under personal cultivation,
- (b) that, in the case of homestead land, such person having no homestead of his own, intends to construct a dwelling house thereon, and
- (c) such other terms and conditions as may be prescribed:

Provided that among the persons eligible for such settlement, preference shall be given to persons belonging to Scheduled Caste or Scheduled Tribe or who form themselves into a Co-operative Society for the purpose:

Provided further that settlement of any such land or lands comprised in orchards may be made with other persons on such terms and conditions as the State Government may think fit, where such settlement is, in the opinion of the State Government, necessary for a public purpose connected with agriculture or for maintenance and preservation of the orchards, as the case may be.

Explanation.—The term 'family' in relation to a person referred to in sub-section (1) shall be deemed to consist of himself, his wife, sons and unmarried daughters, if any, living jointly with such person.”;

(ii) after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) No person with whom any land is or has been settled under sub-section (1) shall be entitled to transfer such land except by way of a simple mortgage or a mortgage by deposit of title deeds in favour of a Scheduled Bank, or a Co-operative Society or a Corporation owned or controlled by the Central or State Government or both, and for the purpose of obtaining loan for the development of land or for the improvement of agricultural production or for the construction of a dwelling house.”;

(iii) for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) If a Revenue Officer, on his own motion or on application made to him in that behalf, after hearing the person with whom the land was settled and in the case of any subsequent transfer, the transferee as also the person who is, for the time being, in actual occupation of such land and after making such enquiry as may be prescribed, is satisfied that settlement of such land was obtained by any person under sub-section (1) by practising fraud or misrepresentation or that a transfer of any land has been made in contravention of the provisions of sub-section (1A), he may, by order in writing, annul the settlement or both the settlement and the transfer, as may be deemed necessary.”; and

(iv) in sub-section (3), for the words “annulling settlement of any land”, the following words shall be substituted, namely:

“annulling settlement or both the settlement and the transfer of any land, as the case may be.”.

By order of the Governor,
K. K. MOITRA,
Secy. to the Govt. of West Bengal.

1690-L.—1
by the Pro
short title,
extent,
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ment and
application.