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PART IV—Bills introduced in the West Bengal Legislative Assembly; Reports of Select Committees presented or to be presented to that Assembly; and Bills published before introduction in that Assembly.

GOVERNMENT OF WEST BENGAL
LAW DEPARTMENT

Legislative
NOTIFICATION

No. 1055-L.—18th June, 1996.—The Governor having been pleased to order, under rule 66 of the Rules

of Procedure and Conduct of Business in the West Bengal Legislative Assembly, the publication of the following Bill, together with the Statement of Objects and Reasons and the Financial Memorandum which accompany it, in the *Calcutta Gazette*, the Bill, the Statement of Objects and Reasons and the Financial Memorandum are accordingly hereby published for general information:—

Bill No. 20 of 1996

THE WEST BENGAL LAND REFORMS
(AMENDMENT) BILL, 1996.

A
BILL

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 Forty-seventh Year of the Republic of India, by the Legislature of West Bengal, as follows:—

Short title and commencement.

1. (1) This Act may be called the West Bengal Land Reforms (Amendment) Act, 1996.

(2) It shall come into force at once.

Amendment of section 14L of West Ben. Act X of 1956.

2. In section 14L of the West Bengal Land Reforms Act, 1955 (hereinafter referred to as the principal Act), for the words "On and from the commencement", the words, figures, letters and brackets "Subject to the provisions of sub-section (3) of section 14Q, section 14Y and sub-section (2) of section 14Z, on and from the commencement" shall be substituted.

*The West Bengal Land Reforms (Amendment)
Bill, 1996.*

(Clauses 3-5.)

Amendment of
section 14Y.

3. To section 14Y of the principal Act, the following provisos and *Explanation* shall be added:—

'Provided that a person intending to establish a tea-garden, mill, factory or workshop, livestock breeding farm, poultry farm, or dairy, or township approved under the West Bengal Town and Country (Planning and Development) Act, 1979, may, with the previous permission, in writing, of the State Government and on such terms and conditions and in such manner as the State Government may specify, acquire and hold land in excess of the ceiling area applicable to him under section 14M:

West Ben. Act
XIII of 1979.

Provided further that if such person, having been permitted by the State Government, does not utilise within two years of the date of such permission such land for the purpose for which he has been so permitted by the State Government to acquire and hold it; then, all the provisions of this Chapter relating to ceiling area shall apply to the area of land which is held in excess of the ceiling area applicable to him under section 14M.

Explanation.—For the purposes of this section, "person" includes an individual, a firm, a company, an institution, or an association or body of individuals, whether incorporated or not.'

Amendment of
section 14Z.

4. For sub-section (2) of section 14Z of the principal Act, the following sub-section shall be substituted:—

'(2) In the case of land comprised in a tea-garden, mill, or factory or workshop, or land used for the purpose of livestock breeding, poultry farming, or dairy, or township approved under the West Bengal Town and Country (Planning and Development) Act, 1979, the *raiyat* or, where the land is held under a lease, the lessee may be allowed to retain (in excess of the prescribed ceiling) only so much of such land as in the opinion of the State Government is required for the purpose of such tea-garden, mill, factory or workshop, livestock breeding, poultry farming, or dairy, or township approved under the West Bengal Town and Country (Planning and Development) Act, 1979, as the case may be:

Provided that the State Government may, if it thinks fit so to do after reviewing the circumstances of each case and after giving the *raiyat* or the lessee, as the case may be, an opportunity of being heard, revise any order made by it under this sub-section:

Provided further that in determining the land required for the purpose of tea cultivation, there shall not be any diminution of the area of a tea-garden.

Explanation.—The expression "land under a lease" includes any land held directly under the State Government under a lease.'

Amendment of
section 49.

5. In sub-section (5) of section 49 of the principal Act, the existing *Explanation* shall be renumbered as *Explanation I* and after *Explanation I* as so renumbered, the following *Explanation* shall be inserted:—

'*Explanation II.*—For the purposes of this sub-section, "industry" includes a tea-garden, mill, factory or workshop, livestock breeding, poultry farming, or dairy, or township approved under the West Bengal Town and Country (Planning and Development) Act, 1979.'

STATEMENT OF OBJECTS AND REASONS.

The West Bengal Land Reforms Act, 1955 does not allow a person or a company to acquire land beyond seven standard hectares (i.e. 24.22 acres in non-irrigated area) even if he genuinely needs such a large chunk of land for establishing a new industry, tea-garden etc. This is because acquisition of land in excess of the ceiling limit is not permitted under section 14Y of the Act.

2. The Bill seeks to remove this difficulty so that a person, firm, company, institution or an association or body of individuals intending to establish a tea-garden, mill, factory or workshop, livestock breeding farm, poultry farm, or dairy or township approved under the West Bengal Town and Country (Planning and Development) Act, 1979 may be permitted on certain terms and conditions to acquire and hold land in excess of the ceiling area specified under section 14M of the Act. The Bill also specifies that if the land so acquired is not utilised within two years from the date of such permission, then, all the provisions of the Act relating to ceiling area shall apply in respect of such land.

3. The Bill has been framed with above object in view.

CALCUTTA,
The 17th June, 1996.

SURJYA KANTA MISHRA,
Member-in-charge.

FINANCIAL MEMORANDUM.

The proposed amendment has no additional financial implication on the State Government.

CALCUTTA,
The 17th June, 1996.

SURJYA KANTA MISHRA,
Member-in-charge.

By order of the Governor,

S. MAITRA,
*Special Officer & ex officio
Jt. Secy. to the Govt. of West Bengal.*