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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. 1056-L. — 26th June, 2003. — 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 *Kolkata Gazette*, the Bill, the Statement of Objects and Reasons and the Financial Memorandum are accordingly hereby published for general information :—

Bill No. 19 of 2003

THE WEST BENGAL LAND REFORMS (AMENDMENT) BILL, 2003.

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 1955

It is hereby enacted in the Fifty-fourth 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, 2003.
- (2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Amendment of
section 2 of
West Ben. Act
X of 1955

2. In section 2 of the West Bengal Land Reforms Act, 1955 (hereinafter referred to as the principal Act),—

- (1) after sub-clause (m) of clause (2), the following sub-clause shall be inserted :—
“(ma) husband’s brother, or”;
- (2) for clause (5), the following clause shall be substituted :—
“(5) “consolidation” includes re-alignment of a plot of land or re-arrangement of parcels of land comprised in different plots of land for the purpose of rendering such plots of land more compact.”;
- (3) in clause (6A), for the word “holding”, in two places where it occurs, the words “plot of land” shall be substituted.

Amendment of
section 4.

3. In section 4 of the principal Act,—
(1) in sub-section (1), for the word “holding”, in two places where it occurs, the words “plot of land” shall be substituted;

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(Clauses 4-6.)

- (2) in sub-section (2A), for the word "holding", in two places where it occurs, the words "plot of land" shall be substituted;
- (3) in sub-section (4), for the word "holding", wherever it occurs, the words "plot of land" shall be substituted;
- (4) in sub-section (5), for the word "holding", the words "plot of land" shall be substituted.

Amendment
of section
14Q.

Amendment of
section 19.

4. Sub-section (1) of section 14Q of the principal Act shall be omitted.

5. For sub-section (2B) of section 19 of the principal Act, the following sub-section shall be substituted :—

"(2B) The Collector may transfer any appeal, whether transferred to, or filed before, him, for disposal to any officer subordinate to him as may be prescribed :

Provided that the officer to whom the appeal is transferred is superior in rank or position to the officer or authority making the order appealed against and every such appeal shall be dealt with from the stage at which it was so transferred and shall be disposed of in accordance with the provisions of this Act."

Amendment of
section 23.

6. In section 23 of the principal Act,—

- (1) for clause (c), the following clause shall be substituted :—
" (c) used for mill, factory, workshop and other commercial purposes in rural areas, rupees 20 per decimal;";
- (2) after clause (c), the following clause shall be substituted :—
" (ca) used for non-agricultural purpose including homestead in the rural areas, rupees 2 per decimal;";
- (3) for clause (d), the following clause shall be inserted :—
" (d) used for mill, factory, workshop or other commercial purposes in the areas within the local limits of any Municipal Corporation or Municipality, other than the areas of the Kolkata Metropolitan Development Authority,—
 - (i) rupees 175 per decimal, where such land is situated within the local limits of any Municipal Corporation,
 - (ii) rupees 150 per decimal, where such land is situated within the local limits of any Municipality of Category A,
 - (iii) rupees 100 per decimal, where such land is situated within the local limits of any Municipality of Category B,
 - (iv) rupees 75 per decimal, where such land is situated within the local limits of any Municipality of Category C,
 - (v) rupees 50 per decimal, where such land is situated within the local limits of any Municipality of Category D,
 - (vi) rupees 25 per decimal, where such land is situated within the local limits of any Municipality of Category E;";
- (4) for clause (e), the following clause shall be substituted :—
" (e) used for non-agricultural purposes including homestead in the areas within the local limits of any Municipal Corporation or Municipality, other than the areas of the Kolkata Metropolitan Development Authority,—
 - (i) rupees 35 per decimal, where such land is situated within the local limits of any Municipal Corporation,
 - (ii) rupees 25 per decimal, where such land is situated within the local limits of any Municipality of Category A,

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(Clause 6.)

- (iii) rupees 20 per decimal, where such land is situated within the local limits of any Municipality of Category B,
- (iv) rupees 15 per decimal, where such land is situated within the local limits of any Municipality of Category C,
- (v) rupees 10 per decimal, where such land is situated within the local limits of any Municipality of Category D,
- (vi) rupees 5 per decimal, where such land is situated within the local limits of any Municipality of Category E;”;

(5) for clause (f), the following clause shall be substituted :—

“(f) used for agricultural purposes, at the rate as laid down in clause (a) :

Provided that if the land used for agricultural purposes is converted into the land used for non-agricultural purposes, the revenue for such land shall be payable in accordance with relevant provisions of this section.”;

(6) for *Explanation*, the following *Explanations* shall be substituted :—

“*Explanation I.*—Municipalities are classified into the following categories on the basis of population as ascertained at the last preceding census of which the relevant figures have been published :—

Category A – municipal areas having population more than 2,15,000;

Category B – municipal areas having population above 1,70,000 but not exceeding 2,15,000;

Category C – municipal areas having population above 85,000 but not exceeding 1,70,000;

Category D – municipal areas having population above 35,000 but not exceeding 85,000;

Category E – municipal areas having population not exceeding 35,000 :

Provided that Darjeeling Municipality is classified as Category A municipality irrespective of the population.

Explanation II. – For the purpose of land-revenue, any area constituted by the State Government as a notified area under the West Bengal Municipal Act, 1993, shall be construed as municipality of a particular Category on the basis of population.

Explanation III. – An area in a newly developing localities, as the State Government may, by notification in the *Official Gazette*, specify, shall be construed as municipality of a particular Category on the basis of population.”.

West Ben.
Act XXII
of 1993.

STATEMENT OF OBJECTS AND REASONS.

The West Bengal Land Reforms (Amendment) Bill, 2003, envisages—

- (a) to exclude a person who is related to the owner of the land as “ husband’s brother” to be a *bargadar*;
- (b) re-define the term “consolidation” in such a manner as to include realignment of a plot of land or re-arrangement of parcels of land comprised in different plots of land for the purpose of rendering such plots of land more compact;
- (c) to substitute the word “holding” by the word “plot of land”, wherever it occurs;
- (d) to omit sub-section (1) of section 14Q as it is open to misuse for grabbing large chunk of land which militates against the spirit of the Act;
- (e) to amend sub-section (2B) of section 19 so that the Collector may transfer any appeal at any stage to any officer subordinate to him for its disposal;

The West Bengal Land Reforms (Amendment) Bill, 2003.

- (f) to redetermine the rate of revenue payable by a *raiyat* in rural areas and in the areas of any Municipal Corporation or Municipality outside the areas of the Kolkata Metropolitan Development Authority for his land used for mill, factory, workshop or other commercial purposes as well as for non-agricultural purposes including homestead; and
- (g) to clarify that the rate of revenue payable by a *raiyat* for his land used for agricultural purposes is such as laid down in clause (a) of section 23 of the Act.

2. The Bill has been framed with the above objects in view.

KOLKATA,
The 24th June, 2003.

ABDUR REZZAK MOLLAH,
Member-in-charge.

FINANCIAL MEMORANDUM

There is no additional financial implication involved in the Bill.

KOLKATA,
The 24th June, 2003.

ABDUR REZZAK MOLLAH,
Member-in-charge.

By order of the Governor,

A. K. BHATTACHARYA,
Principal Secy. to the Govt. of West Bengal
& Secy., Law Department.