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PART IVA.—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

Legislative Department

## NOTIFICATION

No. 1638L. — 7th August, 1969. — The Governor having been pleased to order, under rule 5 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. 29 of 1969

**THE WEST BENGAL LAND REFORMS (SECOND AMENDMENT) BILL, 1969.**

**A  
 BILL**

*to re-enact the provisions of the West Bengal Land Reforms (Amendment) Act, 1968, and to make further amendments to the West Bengal Land Reforms Act, 1955.*

WHEREAS certain amendments were made to the West Bengal Land Reforms Act, 1955, by the West Bengal Land Reforms (Amendment) Act, 1968, enacted by the President of India during the period of operation of the Proclamation issued by the President of India on the 20th day of February, 1968, under article 356 of the Constitution of India in relation to the State of West Bengal;

West Ben.  
Act X of  
1956.  
Presi-  
dent's  
Act 1 of  
1968.

AND WHEREAS it is expedient to re-enact the provisions of the West Bengal Land Reforms (Amendment) Act, 1968, and to make further amendments to the West Bengal Land Reforms Act, 1955, for the purposes and in the manner hereinafter appearing;

It is hereby enacted in the Twentieth 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, 1969.

Amend-  
ment of  
section 4  
of West  
Ben. Act  
X of 1956. 2. In section 4 of the West Bengal Land Reforms Act, 1955 (hereinafter referred to as the said Act), in sub-section (2B), for the words "a fine not exceeding three hundred rupees, and where the breach is a continuing one, a further fine not exceeding fifty rupees for each day", the words "a fine not exceeding two thousand rupees, and where the breach is a continuing one, a further fine not exceeding two hundred rupees for each day" shall be substituted.

The West Bengal Land Reforms (Second Amendment) Bill,  
1969.

(Clauses 3-5.)

Insertion  
of new  
section  
16A.

3. After section 16 of the said Act, the following section shall be inserted, namely:—

“Bargadar entitled to recover his share in certain cases.

16A. If the produce of any land cultivated by a *bargadar* is harvested and taken away, or if such produce after it is harvested by the *bargadar* is taken away, forcibly or otherwise, by the owner of such land, the *bargadar* shall be entitled to recover from such owner the share of the produce due to him or its money value.”

Amend-  
ment of  
section 18.

4. In section 18 of the said Act,—

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

“(aa) recovery of produce under section 16A,”;

(b) after sub-section (3), the following sub-section shall be inserted, namely:—

“(3A) The decision of any dispute referred to in clause (aa) of sub-section (1) shall specify the quantity of the produce recoverable from the owner by the *bargadar* as his share and also its money value which shall be payable by the owner in default of delivery of such quantity of the produce.”

Insertion  
of new  
section  
23B.

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

Re-assessment  
of revenue and  
exemption from  
revenue of small  
holdings.

23B. (1) Notwithstanding any-  
thing contained in this Chapter,—

(a) where the total area of the holding or holdings held by a *raiyat* or where there are any other *raiyat* or *raiyats* among the members of the family to which the *raiyat* belongs, the total area of the holdings held by all the *raiyats* who are members of such family does not exceed 1.2141 hectares, the *raiyat* shall be exempted from paying revenue in respect of his holding or holdings:

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.

(b) where the total area of the holding or holdings held by a *raiyat* or where there are any other *raiyat* or *raiyats* among the members of the family to which the *raiyat* belongs, the total area of the holdings held by all the *raiyats* who are members of such family—

(i) exceeds 1.2141 hectares but does not exceed 2.8328 hectares; the revenue payable by the *raiyat* in respect of his holding or holdings shall be the same as the present revenue of such holding or holdings; or

(ii) exceeds 2.8328 hectares but does not exceed 4.0468 hectares, the revenue payable by the *raiyat* in respect of his holding or holdings shall be 1.25 times the present revenue of such holding or holdings; or

(iii) exceeds 4.0468 hectares but does not exceed 6.0703 hectares, the revenue payable by the *raiyat* in respect of his holding or holdings shall be twice the present revenue of such holding or holdings; or

The West Bengal Land Reforms (Second Amendment) Bill,  
1969.

(Clause 5.)

- (iv) exceeds 6.0703 hectares but does not exceed 8.0937 hectares, the revenue payable by the *raiyat* in respect of his holding or holdings shall be three times the present revenue of such holding or holdings; or
- (v) exceeds 8.0937 hectares, the revenue payable by the *raiyat* in respect of his holding or holdings shall be four times the present revenue of such holding or holdings:

Provided that in no case shall the rate of revenue payable by a *raiyat* be less than Rs. 4 for every .4047 hectare or more than Rs. 20 for every .4047 hectare.

(2) Every *raiyat* shall submit a return in such form and manner and within such time as may be prescribed, stating—

- (a) the area and such other particulars as may be prescribed of the holding or holdings of which he is the owner or part-owner, and
- (b) the names and addresses of the other members of his family and his relationship with them.

(3) Any *raiyat* who wilfully makes any omission or incorrect statement in the return furnished by him under sub-section (2) or fails without any reasonable cause to submit such return within the prescribed time, shall, on the complaint of the Revenue Officer, be liable to a fine which may extend to one thousand rupees or in default to simple imprisonment which may extend to three months.

(4) The provisions of sub-section (1) shall take effect from the 1st day of *Baisakh*, 1376 B.S., but until an order is made by the Revenue Officer, after making such inquiry as may be prescribed, in respect of any holding either granting it exemption under clause (a) of sub-section (1) or, as the case may be, determining the amount of revenue payable for it under clause (b) of that sub-section, the *raiyat* shall continue to pay the present revenue in respect of such holding:

Provided that upon the order of the Revenue Officer being made, any amount paid in excess by the *raiyat* shall be refunded to him and any deficiency shall be recovered from him as an arrear of revenue which shall not carry any interest.

*Explanation.*—For the purposes of this section,—

- (1) “family” includes husband, wife, son, unmarried daughter, son’s wife, son’s son, and son’s unmarried daughter:

Provided that if the Revenue Officer is satisfied that any such person has formally severed his or her ties with the family and has no present or future interest in any property owned by any other member of the family, such person shall not be deemed to be a member of the family;

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



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**STATEMENT OF OBJECTS AND REASONS.**

The Bill has been framed with the object of re-enacting the provisions of the West Bengal Land Reforms (Amendment) Act, 1968 (President's Act 1, of 1968) and making further amendments to the principal Act to exempt a *raiyat* from payment of revenue where the total area of the holding or holdings belonging to all the members of the family to which he belongs does not exceed 1.2141 hectares and to re-assess the revenue in accordance with a progressive scale in all cases where such total area exceeds 2.8328 hectares.

HARE KRISHNA KONAR,  
*Member-in-charge.*

CALCUTTA,  
*The 6th August, 1969.*

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**FINANCIAL MEMORANDUM.**

Clause 5 of the Bill provides for exemption of a *raiyat* from paying revenue where the total area of the holding or holdings belonging to all the members of a family does not exceed 1.2141 hectares and for re-assessment of revenue in the other cases.

2. The amount of loss that the State Government will incur as a result of exemption from revenue of small holdings may be of the order of Rs.2.5 crores. But it is expected that the loss would be made up, at least partially, by re-assessment of revenue on a progressive scale where the total area belonging to all the members of a family exceeds 2.8328 hectares and thereby increasing the revenue by 1.25 times to 4 times the present revenue subject to a maximum rate of Rs.20.00 for every .4047 hectare and by fixation of the minimum rate of revenue at Rs.4.00 for every .4047 hectare.

HARE KRISHNA KONAR,  
*Member-in-charge.*

CALCUTTA,  
*The 6th August, 1969.*

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