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PART III—Acts of the West Bengal Legislature

GOVERNMENT OF WEST BENGAL

LAW DEPARTMENT

Legislative

NOTIFICATION

No. 2490L.—14th October, 1961. The following Act of the West Bengal Legislature, has been assented to by the President, is hereby published for general information:—

West Bengal Act XIX of 1961

THE WEST BENGAL ESTATES ACQUISITION
(SECOND AMENDMENT) ACT, 1961.

[Passed by the West Bengal Legislature.]

[Assent of the President was first published in the Calcutta Gazette, Extraordinary, of the 14th October, 1961.]

An Act to amend the West Bengal Estates Acquisition Act, 1953.

WHEREAS it is expedient to amend the West Bengal Estates Acquisition Act, 1953 for the purposes and in the manner hereinafter appearing; and in this behalf the West Ben. Act I of 1954.

It is hereby enacted in the Twelfth Year of the Republic of India, by the Legislature of West Bengal, as follows:—

1. This Act may be called the West Bengal Estates Acquisition (Second Amendment) Act, 1961.

Short title.

Amend-
ment of
section 3
of West
Ben. Act
I of 1954.

2. In the second proviso to section 3 of the West Bengal Estates Acquisition Act, 1953 (hereinafter referred to as the said Act), for the words and figure "before the issue of a notification under section 4," the words and figure "before the date mentioned in the notification issued under section 4," shall be, and shall be deemed always to have been, substituted.

Amend-
ment of
section 6.

3. In section 6 of the said Act,—

(I) in sub-section (1), after clause (j), the following clauses shall be, and shall be deemed always to have been, inserted, namely:—

"(k) so much of requisitioned land as the intermediary would be entitled to retain after taking into consideration any other land which he may have retained under the other clauses;

The West Bengal Estates Acquisition (Second Amendment) Act, 1961.

(Sections 4—6.)

Explanation.—‘requisitioned land’ means any land which was in the *khas* possession of the intermediary and which was requisitioned by Government under the provisions of any law for the time being in force or was occupied by Government in pursuance of rule 49 of the Defence of India Rules and continued to be subject to requisition or occupation on the date mentioned in the notification issued under section 4;

(l) so much of land in the unauthorised occupation of refugees from East Bengal immediately before the date of vesting as an intermediary would be entitled to retain after taking into consideration any other land which he may have retained under the other clauses;

Explanation.—‘Refugees from East Bengal’ includes those who are displaced persons within the meaning of the Rehabilitation of Displaced Persons and Eviction of Persons in Unauthorised Occupation of Land Act, 1951.”; West Ben. Act XVI of 1951.

(2) after sub-section (3), the following sub-sections shall be, and shall be deemed always to have been, inserted, namely:—

“(3A) Land which may be retained under clause (k) or clause (l) of sub-section (1) shall, if necessary, be demarcated in such manner as may be prescribed and shall be specified in an order made in this behalf by a Revenue Officer specially empowered for the purpose by the State Government.

(3B) In executing any order for eviction of persons in unauthorised occupation of land in pursuance of proceedings under the Rehabilitation of Displaced Persons and Eviction of Persons in Unauthorised Occupation of Land Act, 1951, possession shall be given to the intermediary of only so much of such land as he is entitled to retain under clause (l) of sub-section (1) and possession of any land in excess thereof shall be given to the Revenue Officer having jurisdiction over the area in which the land is situated.

(3C) For the purpose of sub-section (3B) the officer or authority executing the order for eviction shall ascertain from the Revenue Officer referred to in sub-section (3A) particulars of the land possession of which may be given to the intermediary.

(3D) Except as otherwise specifically provided in this Act or in the rules made thereunder, the provisions of the Bengal Tenancy Act, 1885 or the Cooch Behar Tenancy Act, 1910 shall not apply in the case of any land referred to in sub-section (2).” VIII of 1885, Cooch Behar Act V of 1910.

Amendment of section 12.

4. In sub-section (1) of section 12 of the said Act, for the words “one third of the net approximate annual income from such estates and interests calculated in the prescribed manner”, the words “such amount as may be prescribed” shall be substituted.

Amendment of section 14.

5. In sub-section (1) of section 14 of the said Act, for the words “six years”, the words “eight years” shall be, and shall be deemed always to have been, substituted.

Amendment of section 15.

6. In sub-section (3) of section 15 of the said Act, the words “of the district” shall be omitted.

The West Bengal Estates Acquisition (Second Amendment) Act, 1961.

(Sections 7—11.)

Amend-
ment of
section
15A.

7. In section 15A of the said Act,—
- (1) for the words "Within three months", the words "An intermediary may, within three months" shall be substituted,
 - (2) the words "an intermediary may" shall be omitted,
 - (3) after the words "and the Compensation Officer shall", the word "thereupon" shall be inserted.

Amend-
ment of
section 23.

8. In section 23 of the said Act,—
- (1) for sub-section (1), the following sub-section shall be substituted, namely:—

"(1)(a) As soon as may be after the date of the final publication of a Compensation Assessment Roll under section 21, the Compensation Officer shall, in the prescribed manner, make an offer of payment of the compensation to the intermediary who is entitled to such compensation in terms of the Compensation Assessment Roll together with interest at the rate of three *per centum per annum* of such compensation accruing from the date of vesting to the date of the offer of payment under this sub-section.

- (b) Where the compensation to which an intermediary is entitled is in respect of interests which vested in the State on two different dates, interest shall be calculated on such compensation from the later of such dates and to the interest so calculated there shall be added the interest on the net income of the intermediary from his interests which vested in the State on the earlier date calculated at the same rate from such earlier date of vesting up to the later date of vesting:

Provided that such payment shall be without prejudice to the right of the intermediary to file an appeal under section 20."

- (2) in clause (b) of sub-section (2),—

- (1) for the words "non-negotiable bonds", the words "negotiable and transferable bonds of not less than fifty rupees each" shall be substituted;

- (2) after the words "twenty equal annual instalments", the words "and the remainder, if any, below fifty rupees shall be paid in cash" shall be added.

Amend-
ment of
section 26.

9. In sub-section (3) of section 26 of the said Act, the word "non-negotiable" shall be omitted.

Amend-
ment of
section 38.

10. In section 38 of the said Act,—

- (1) after the figures "15," the figures and letter "15A," shall be inserted,

- (2) after the figures "19," the figures "21, 22," shall be inserted.

Insertion
of new
section
42A.

11. After section 42 of the said Act, the following section shall be, and shall be deemed always to have been, inserted, namely:—

"Determination of rent after draft or final publication of record-of-rights.

42A. (1) If, for any reason, the rent payable in respect of any land retained by an intermediary under sub-section (1) of section 6 has not been determined before the draft or final publication of the record-of-rights under this Chapter, then, notwithstanding anything contained elsewhere in this Act, the Revenue Officer may, at any time,

The West Bengal Estates Acquisition (Second Amendment) Act, 1961.

(Sections 12-15.)

after giving notice to the person concerned, determine the rent in accordance with the provisions of sections 40, 41 and 42 and enter the rent so determined in the record-of-rights.

(2) Any person aggrieved by an order of the Revenue Officer determining rent under sub-section (1) may appeal to such authority and within such time as may be prescribed.

(3) The decision of the Appellate Authority on such appeal shall be final and the Revenue Officer shall, if necessary, correct, in accordance with such decision, the entry relating to rent made by him in the record-of-rights."

Amendment of section 43. 12. In section 43 of the said Act, after the words "purposes of this Act", the following words and figures shall be added, namely:—

"and shall be payable at such times and in such instalments as may be prescribed, and the period of limitation for the institution of suits relating to the recovery of arrears of rent shall be as provided in article 149 of the First Schedule to the Indian Limitation Act, 1908"

Amendment of section 44.

13. In section 44 of the said Act,—

(1) in sub-section (1), the words "as aforesaid" shall be, and shall be deemed always to have been, omitted;

(2) the proviso to sub-section (2) shall be omitted;

(3) in sub-section (2a), for the words "on application or of his own motion, within nine months", the words "on application within nine months, or of his own motion within six years," shall be, and shall be deemed always to have been, substituted;

(4) in sub-section (4), after the words, figure, letter and brackets "revised under sub-section (2a)", the words, figures and letter " ", made under section 42A" shall be, and shall be deemed always to have been, inserted.

Amendment of section 53.

14. In sub-section (1) of section 53 of the said Act, after clause (f), the following clause shall be inserted, namely:—

"(ff) Officers appointed by the State Government for the purposes of sub-clause (iv) of clause (a) of sub-section (1) of section 16;"

Repeal and savings.

15. (1) The West Bengal Estates Acquisition (Amendment) Ordinance, 1961 is hereby repealed.

West Ben. Ord. VI of 1961.

(2) Anything done or any action taken under the West Bengal Estates Acquisition Act, 1953 as amended by the said Ordinance shall be deemed to have been validly done or taken under that Act as amended by this Act as if this Act had commenced on the 19th day of July, 1961.

West Ben. Act I of 1954.

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