



*The West Bengal Estates Acquisition (Amendment) Act,  
1963.*

(Sections 3—7.)

Amend-  
ment of  
section 6.

3. In section 6 of the said Act—

(1) in the *Exception* to sub-section (1), for the words "Nothing in this sub-section", the words "Subject to the provisions contained in sub-section (3), nothing in this sub-section" shall be substituted and shall be deemed always to have been substituted;

(2) to sub-section (3), after the *Explanation*, the following *Exception* shall be added and shall be deemed always to have been added, namely:—

*Exception.*—In the case of land allowed to be retained by an intermediary or lessee in respect of a tea-garden, such land may include any land comprised in a forest if, in the opinion of the State Government, the land comprised in a forest is required for the tea-garden.”;

(3) in sub-section (4), after the words "lands comprised in a forest", the following words shall be inserted, namely:—

“or in any embankment, referred to in the *Exception* to sub-section (1)”.

Amend-  
ment of  
section 14.

4. In sub-section (1) of section 14 of the said Act, for the words "eight years", the words "ten years" shall be substituted.

Amend-  
ment of  
section 16.

5. In section 16 of the said Act, in clause (b) of sub-section (1), after sub-clause (v), the following sub-clause shall be added, namely:—

“(vi) any sum payable by such intermediary out of the income of an estate or interest which has vested in the State under section 5, to a corporation or an institution established exclusively for a religious or a charitable purpose or both, or to a person holding under a trust or an endowment or other legal obligation exclusively for a purpose which is charitable or religious or both, where such estate or interest was held partly for a religious or charitable purpose and partly for a purpose other than religious or charitable.

*Explanation.*—Any income from a wakf, trust or an endowment which is payable for the support of the founder or his family or descendants shall not be deemed to be income payable for a religious or charitable purpose.”.

Amend-  
ment of  
section 17.

6. For sub-section (3) of section 17 of the said Act, the following sub-section shall be substituted, namely:—

“(3) The sum referred to in sub-clause (v) or sub-clause (vi) of clause (b) of sub-section (1) of section 16 shall be payable to the corporation, institution or person, as the case may be, as a perpetual annuity.”.

Amend-  
ment of  
section 21.

7. In sub-section (2) of section 21 of the said Act, after the words "appeal under section 20", the words "or on revision under section 22" shall be inserted.

The West Bengal Estates Acquisition (Amendment) Act,  
1963.

(Sections 8—12.)

Amend-  
ment of  
section 23.

8. In sub-section (1) of section 23 of the said Act—

(i) in clause (a), for the words "the date of the offer of payment under this sub-section", the words "the date of final publication of the Compensation Assessment Roll" shall be substituted and shall be deemed always to have been substituted; and

(ii) to clause (a), the following provisos shall be added and shall be deemed always to have been added, namely:—

"Provided that in assessing interest under this clause, interest on all *ad interim* payments made under section 12 shall, from the date of any such payment to the date of final publication of the Compensation Assessment Roll, be excluded.

Provided further that in any case where the amount of compensation is enhanced as a result of an appeal under section 20, interest shall, subject to the provisions of the first proviso, be calculated from the date of vesting to the date of final publication of the Compensation Assessment Roll on the amount as determined on appeal."

Amend-  
ment of  
section 44.

9. In sub-section (2a) of section 44 of the said Act, for the words "six years", the words "nine years" shall be substituted.

Amend-  
ment of  
section 45.

10. In section 45 of the said Act, for the words "within five years", the words "within nine years" shall be substituted.

Amend-  
ment of  
section 52.

11. In the proviso to section 52 of the said Act—

(i) in clause (b), for the words "provisions of section 42.", the words "provisions of section 42; and" shall be substituted; and

(ii) after clause (b), the following clause shall be added, namely:—

"(c) in cases where he was liable to pay rent wholly in kind or partly in kind and partly in cash, then, notwithstanding anything contained in clause (c) of section 5, such rent as may be assessed in accordance with the provisions of section 40."

Repeal and  
savings.

12. (1) The West Bengal Estates Acquisition (Amendment) Ordinance, 1963, is hereby repealed.

West Ben.  
Ord. II of  
1963.

(2) Anything done or any action taken under the said Act as amended by the West Bengal Estates Acquisition (Amendment) Ordinance, 1963, shall be deemed to have been validly done or taken under the said Act as amended by this Act as if this Act had commenced on the 27th day of May, 1963.

By order of the Governor,  
S. SENGUPTA,  
Secy. to the Govt. of West Bengal.