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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. 1451-L.—18th November, 2006.—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 which accompanies it, in the *Kolkata Gazette*, the Bill and the Statement of Objects and Reasons are accordingly hereby published for general information:—

Bill No. 34 of 2006

THE WEST BENGAL LAND REFORMS (AMENDMENT)

BILL, 2006.

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 Fifty-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, 2006.

(2) Save as otherwise provided in this Act, it shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

*The West Bengal Land Reforms (Amendment)
Bill, 2006.*

(Clauses 2-7.)

Amendment of
section 4 of West
Ben. Act X of
1956.

2. In the *Explanation* to sub-section (1) of section 4 of the West Bengal Land Reforms Act, 1955 (hereinafter referred to as the principal Act), in clause (a), for the words "granted under the provisions of this section", the words "granted by the State Government" shall be deemed to have been substituted with effect from the 7th day of August, 1969.

Amendment of
section 4D.

3. To sub-section (1) of section 4D of the principal Act, after the first proviso, the following proviso shall be deemed to have been added with effect from the 7th day of August, 1969:—

"Provided further that where the State Government is of the opinion that it is necessary to do so in the public interest, the State Government may, in lieu of prosecution under this section and on the basis of report of the Collector and by order, authorise the Collector to regularise any change, conversion or alteration in the area, character or mode of use of any plot of land, other than any plot of land having water body of any description of size, made in violation of the provision of sub-section (2) of section 4C, on payment of such fee, depending on the different character or mode of use of the plot of land, and in such manner, as may be prescribed."

Amendment of
section 5.

4. In section 5 of the principal Act,—

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

"(aa) the certified copy of the up-to-date record-of-rights in respect of such plot of land is submitted;"

(2) after sub-section (5), the following sub-section shall be inserted:—

"(6) A transferee or a person inheriting any plot of land or part thereof shall submit an application for mutation of his name as a result of transfer or inheritance for maintenance of the up-to-date record of rights as stated in section 50, within six months from the date of such transfer or inheritance, as the case may be, or within one month from the date of receipt of registered instrument, whichever is earlier."

Amendment of
section 14B.

5. In section 14B of the principal Act, for the words "any transfer by a *raiyat*", the words, figures and letter "any transfer, other than restoration made under section 14E, by a *raiyat*" shall be substituted.

Amendment of
section 14E.

6. In section 14E of the principal Act,—

(1) in sub-section (2), for the words "the transferor or his successor-in-interest", the words "the transferor or his successor-in-interest, in such manner as may be prescribed" shall be substituted;

(2) to sub-section (2), the following *Explanation* shall be added:—

Explanation.—For the purpose of this sub-section, the word "restoration" shall mean restoration of the plot of land or part thereof which has been transferred by a *raiyat* belonging to a Scheduled Tribe and include an equivalent quantum of plot of land or part thereof of the same character within the near vicinity of the transferred plot of land or part thereof.

Amendment of
section 14Y.

7. In section 14Y of the principal Act,—

(1) in the first proviso,—

(a) for the words "a person intending to establish", the words "a person intending to establish an industry, commerce or infrastructure, or" shall be substituted;

(b) for the words "acquire and hold land", the words "acquire, hold and transfer land" shall be substituted;

*The West Bengal Land Reforms (Amendment)
Bill, 2006.*

(Clauses 8-10.)

(2) for the second proviso, the following proviso shall be substituted:—

“Provided further that if such person, having been permitted by the State Government, does not, within three years of the date of such permission,—

(a) utilise such land for the purpose for which he has been so permitted by the State Government to acquire and hold it; and

(b) transfer it—

(i) in any case to establish township in a Planning Area as stated in the first proviso, without the permission of the State Government, or

(ii) in any case other than to establish township in a Planning Area as stated in the first proviso, with the permission of the State Government,

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.”.

Amendment of
section 14Z.

8. In section 14Z of the principal Act, in sub-section (2),—

(1) for the words “land comprised in a tea garden, mill, factory”, the words “land comprised in an industry, commerce or infrastructure, or a tea garden, mill, factory” shall be substituted;

(2) for the words “for the purpose of the tea garden, mill, factory”, the words “for the purpose to establish an industry, commerce or infrastructure, or a tea garden, mill, factory” shall be substituted;

(3) in the proviso, for the words “to retain for tea garden, mill, factory”, the words “to retain for industry, commerce, infrastructure, tea garden, mill, factory” shall be substituted.

Amendment of
section 20B.

9. In section 20B of the principal Act, after sub-section (5), the following sub-sections shall be inserted:—

“(6) Notwithstanding anything contained in sub-section (1) or any of the provisions of foregoing sub-sections of this section, a *bargadar* may, by execution of a mutual agreement, surrender the right of cultivation in respect of fifty *per centum* of the land cultivated by him as a *bargadar*, if the owner of the land conveys the right and title in respect of remaining fifty *per centum* of such land under the same mutual agreement to such *bargadar*, in such manner and subject to such conditions and restrictions as may be prescribed.

(7) The mutual agreement as stated in sub-section (6), shall be deemed an instrument for the purpose of section 5 and the provisions of section 5 shall, *mutatis mutandis*, apply.”.

Amendment of
section 50.

10. In section 50 of the principal Act, in clause (e) of sub-section (1), for the words “mode of cultivation”, the words, figures, letter and brackets “mode of cultivation or surrender of right of cultivation under sub-section (6) of section 20B,” shall be substituted.

*The West Bengal Land Reforms (Amendment)
Bill, 2006.*

STATEMENT OF OBJECTS AND REASONS.

It is considered necessary and expedient to make the following amendments in the West Bengal Land Reforms Act, 1955 (West Ben. Act X of 1956) (hereinafter referred to as the said Act), in order to ensure effective implementation of the said Act by way of—

- (1) amending section 4 of the said Act for removal of any doubt that any person or institution who holds any plot of land under any permit, lease or licence granted by the State Government shall not be considered as a *raiyat* for the purpose of sub-section (1) of section 4;
- (2) amending section 4D of the said Act so that the State Government may, in lieu of prosecution under this section and on the basis of a report of the Collector and by order, authorise the Collector to regularise the change, conversion or alteration in the area, character or mode of use of any plot of land, other than any plot of land having water body of any description or size, made in violation of the provisions of sub-section (2) of section 4C, on payment of such fee, and in such manner, as may be prescribed;
- (3) amending section 5 of the said Act, so that—
 - (a) the registering officer shall not accept for registration any instrument for transfer of a plot of land unless the certified copy of the up-to-date record-of-rights in respect of such plot of land is also submitted;
 - (b) a transferee or a person inheriting any plot of land or part thereof shall submit an application for mutation of name as a result of transfer or inheritance for maintenance of the up-to-date record-of-rights, within six months from the date of such transfer or inheritance, or within one month from the date of receipt of registered instrument, whichever is earlier;
- (4) amending section 14B of the said Act so as to provide that in case of restoration made under section 14E, no transfer by a *raiyat* belonging to a Scheduled Tribe of his plot of land or part thereof shall be void;
- (5) amending section 14E of the said Act so that when any order is passed by the Revenue Officer under sub-section (1) of that section, the transferee shall restore the transferred plot of land or part thereof to the transferor or his successor-in-interest in the prescribed manner and such restoration shall mean restoration of the plot of land or part thereof which has been transferred by a *raiyat* belonging to a Scheduled Tribe and include an equivalent quantum of plot of land or part thereof of the same character with the near vicinity of transferred plot of land or part thereof;
- (6) amending section 14Y of the said Act so as to make provisions in the provisos to the said section that a person intending to establish an industry, commerce or infrastructure may, with the previous permission of the State Government, acquire, hold and transfer land in excess of the ceiling limit in the prescribed manner, and if the person having been so permitted does not, within three years of the date of such permission, utilise such land for such purpose and transfer it with the permission of the State Government, excepting the case of establishing township in a Planning Area (where such permission of the State Government for transfer of land is not required), then all the provisions of Chapter IIB relating to ceiling area shall apply to the area of land held in excess of the ceiling area applicable to him under section 14M;

*The West Bengal Land Reforms (Amendment)
Bill, 2006.*

- (7) amending section 14Z of the said Act so as to make the provisions contained in sub-section (2) of that section applicable in respect of the land used for the purpose to establish an industry, commerce or infrastructure;
 - (8) amending section 20B of the said Act for inserting a new sub-section (6) so that a *bargadar* may, by execution of a mutual agreement, surrender the right of cultivation in respect of fifty *per centum* of the land cultivated by him as a *bargadar*, if the owner of the land conveys the right and title in respect of remaining fifty *per centum* of such land under the same mutual agreement to such *bargadar*, in such manner and subject to such conditions and restrictions as may be prescribed, and such mutual agreement shall be deemed to be an instrument for the purpose of section 5 of the said Act;
 - (9) amending section 50 of the said Act so that the prescribed authority shall maintain up-to-date record-of-rights by incorporating therein the changes also on account of surrender of right of cultivation under sub-section (6) of section 20B of the said Act.
2. The Bill has been framed with the above objects in view.
 3. There is no financial implication involved in the Bill.

KOLKATA,
The 17th November, 2006.

ABDUR RAZZAK MOLLAH,
Member-in-charge.

By order of the Governor,

S. K. CHAKRABARTI,
*Secy. to the Govt. of West Bengal,
Law Department.*