

## 49. ACTS AND RULES WITH AMENDMENTS

### **The West Bengal Religious Buildings and Places Act, 1985 West Bengal Act XXXII of 1985**

[Published in the Calcutta Gazette, Extraordinary, dated the 9th January, 1986.]

Whereas it is expedient in the public interest to provide for the regulation of construction of public religious buildings and use of public places for religious purposes;

It is hereby enacted in the Thirty-sixth Year of the Republic of India, by the Legislature of West Bengal, as follows :-

#### **1. Short title, extent and commencement.**

- (1) This Act may be called the West Bengal Religious Buildings and Places Act, 1985.
- (2) It extends to the whole of West Bengal.
- (3) It shall come into force on such date as the State Government may, by notification, appoint; and different dates may be appointed for different areas.

#### **2. Definitions.**

In this Act, unless the context otherwise requires :-

- (a) “Board” means the Board of Revenue, West Bengal;
- (b) “building” means a house, shop, hut, shed or other structure or enclosure, whether roofed or not, of whatsoever material constructed, and includes any part of such house, shop, hut shed or other structure or enclosure, and also includes a wall verandah, platform, plinth or door step or a tent or other portable and merely temporary shelter;
- (c) “notification” means a notification published in the Official Gazette;
- (d) “place” means an open space without any building;
- (e) “prescribed” means prescribed by rules made under this Act;
- (f) “private building” and “private place” mean respectively a building and a place other than a public building and a public place, and the expressions “private religious building” and “private religious place” shall be construed accordingly;
- (g) “public building” and “public place” mean respectively a building and a place, whether or not acquired, constructed or maintained by or at the expense of any specified person or association of persons, which are not for the private or personal use of such person or association of persons and are open to the public in general or any class or section thereof for the purpose, if any, for which they may have been set apart, and the expressions “public religious building” and “public religious place” shall be construed accordingly.

Explanation I. — For the purposes of this clause, —

- (i) “association of persons” shall include a club, committee, society, or organisation, by whatever name called; and
- (ii) “Specified person” shall mean such person as may be specified by the State Government by notification.

Explanation II. — For the avoidance of doubts, it is hereby declared that if any building or place, acquired, constructed or maintained by any specified person or association of persons, is a private or personal property of such specified person or association of persons and such specified persons or association of persons accepts any offerings, pujas or subscriptions for religious purposes from the public, such building or place shall be deemed to be a public building or public place;

- (h) “religious” when used with reference to any building or place shall mean a building (including a temple, mosque, church, chhatri, dargah, khanquah, math or takiya) or

place used or intended to be used for the purposes of religious worship or instruction or offering of prayers (including Bhajan, Kirtan, Stuti or Namaz) or performance of any religious rites by persons of or belonging to any religious creed, sect or class.

#### NOTES

In this section mainly deals with the proper meaning of Private Building and Private Places.

### **3. Bar to construction or conversion.**

(1) No person shall construct any public religious building or convert any private building or public building or private place or public place into a public religious building within a radius of 250 metres of any existing public religious building or public religious place for a different religious community.

(2) Nothing in this section shall apply to any public place traditionally used for a long period as a public religious place.

Explanation. — The expression “any public place traditionally used for a long period” shall mean a public place used for a period of not less than twenty years.

### **4. Restrictions on use of public place for religious purposes.**

(1) No person shall use any public place, —

(a) as a permanent religious place, or

(b) save with the previous permission, in writing, of the Collector in the district, or of the Commissioner of Police in Calcutta obtained in the prescribed manner, as a temporary religious place.

(2) Nothing in this section shall apply to any cremation ground or burial place, or to the holding of any function or taking out of any procession in connection with death or marriage, or to any purely social and secular function or religious procession.

### **5. Construction, etc. of public religious buildings.**

(1) No person shall, without first obtaining in writing the permission of the Collector in the district, or of the Commissioner of Police in Calcutta, —

(a) construct any public religious building, or

(b) convert any private building or public building or private place or public place into a public religious building, or

(c) convert any private religious building or private religious place into a public religious building or public religious place.

Explanation I. — Any temporary use of a building or place for religious purposes on occasions such as Holi, Muharram or similar other religious festivals, shall not be deemed to be a conversion or such building or place into a public religious building or public religious place.

Explanation II. — Any permission under this section shall be in addition to the permission or sanction as may be required to be obtained under any law for the time being in force.

(2) Any person required to obtain permission for any construction or conversion under sub-section (1), shall first obtain permission for such construction or conversion from such local authority or officer having jurisdiction over the area as the State Government may, by notification, specify, thereafter apply to the Collector in the district, or to the Commissioner of Police in Calcutta, for permission under sub-section (1) in the prescribed manner.

### **6. Procedure to be followed by the Collector and the Commissioner of Police.**

(1) When an application for permission under section 4 or section 5 is made to the Collector in the district, or to the Commissioner of police in Calcutta, the Collector or the Commissioner of Police, as the case may be, after making such inquiry as he may think necessary, may, by order, either disallow the application or grant the requisite permission unconditionally or with such conditions as to security or otherwise as he may consider reasonable in the circumstances of each case.

(2) The order of the Collector in the district, or of the Commissioner of Police in Calcutta, under sub-section (1) shall be communicated, in writing, to the applicant and if the applicant does not receive such communication within four weeks in the case of an application under section 4, or within six

months in the case of an application under section 5, calculated from the date of receipt of such application in the office of the Collector in the district or of the Commissioner of Police in Calcutta, as the case may be, the applicant shall be deemed to have obtained the permission under section 4 or section 5, as the case may be.

**7. Power of Collector in the District and Commissioner of police in Calcutta to direct removal of unauthorised construction or conversion.**

(1) Subject to the provisions of section 12 where the Collector in the district, or the Commissioner of Police in Calcutta, on receipt of any information or report or suo motu, has reasons to believe that a construction of any building or conversion of any building or place has been made in contravention of the provisions of this Act or of any permission thereunder, he shall, on such inquiry as he may consider necessary, cause to be notified in the locality by beat of drum and by affixing on a conspicuous part of such building or place and on the notice board of his office a notice and shall also cause such notice to be served on the person or persons (if ascertainable) responsible for such construction or conversion, calling for objections, if any, within a period of fifteen days from the date of the notice as to why such construction or conversion should not be removed.

(2) The Collector in the district, or the Commissioner of Police in Calcutta, shall, then, after considering the objections, if any, and after giving the person or persons concerned an opportunity of being heard, decide the matter and record his findings thereon.

(3) If the Collector in the district, or the Commissioner of Police in Calcutta, arrives at the finding that the construction or conversion has been made in contravention of the provisions of this Act or of any permission thereunder, he shall, by order, give directions for the removal of such construction or conversion and restoration of the building or place, as nearly as may be, to its original condition.

(4) Where any direction under sub-section (3) of this section or any decision on appeal, under section 8, is not complied with within a period of forty-five days from the date of such direction or decision, the Collector in the district or the Commissioner of Police in Calcutta, shall cause such compliance to be made through a police officer not below the rank of Sub-Inspector, at the cost of the defaulter in the prescribed manner.

**8. Appeal and revision.**

(1) An appeal from an order under section 6 or section 7 shall lie to —

- (a) the Commissioner of the Division, where the order is made by the Collector, and
- (b) the Commissioner of Presidency Division, where the order is made by the Commissioner of Police, Calcutta,

and may be preferred in the prescribed manner within thirty days from the date of communication of the order to the applicant under sub-section (2) of section 6 or from the date of the order under sub-section (4) of section 7.

(2) Any person aggrieved by any order, on appeal, under sub-section (1) may, within 60 days from the date of such order, prefer an appeal to the Board.

(3) The State Government may,—

- (a) on an application made to it within the prescribed period by any person aggrieved by an order, on appeal, under sub-section (2), revise such order, or
- (b) on its own motion, at any time, revise an order under section 6 or section 7 or this section, provided that no order shall be made by the State Government under this clause without giving the person aggrieved an opportunity of being heard.

**9. Bar to jurisdiction of Civil Courts.**

No order made under this Act, either by a Collector in the district or by the Commissioner of Police in Calcutta, or, on appeal, by the Commissioner of a Division or by the Board, or on revision by the State Government, shall be called in question in any Civil Court.

**10. Duration of permission.**

(1) Any permission under section 4 shall cease to have expiration of two months from the date of the order granting the same or from the day next after the date on which a public place is due to be used as a temporary public religious place, whichever is earlier.

(2) Any permission under section 5 shall remain in force for a period of one year within which the construction or conversion permitted to be made may be commenced.

## 11. Penalty.

Whoever contravenes, or attempts to contravene, or abets the contravention of, any of the provisions of this Act or the rules made thereunder or any condition subject to which a permission thereunder may have been granted, shall be punishable with imprisonment of either description for a term which may extend to three months or with fine which may extend to one thousand rupees or with both.

## 12. Removal of unauthorised work under Court's order.

(1) Any Court making an order of conviction for any offence under section 11 shall direct that any construction or conversion in contravention of the provisions of this Act or of any permission granted thereunder, if not already removed under the provisions of section 7, shall be removed so as to restore the building or the place in question as nearly as may be to its original condition.

(2) In case of non-compliance of any direction under sub-section (1), the Court shall cause compliance of such direction to be made through a police officer, not below the rank of Sub-Inspector, at cost of the defaulter in the prescribed manner.

## 13. Cognizance of offences.

An offence under this Act shall be triable by a Sub-divisional Judicial Magistrate or a Judicial Magistrate of the First Class in the District or a Metropolitan Magistrate in Calcutta, on the complaint of the Officer-in-charge of a police-station or of the Collector in the District or of the Commissioner of Police in Calcutta.

## 14. Power to make rules.

(1) The State Government may, by notification, make rules for carrying out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the matters which, under any provision of this Act, are required to be prescribed or to be provided for

### NOTES

State Government can make rules by notification.

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TUESDAY, FEBRUARY 27, 1996

[SAKA 1917

**Government of West Bengal  
Law Department  
Legislative**

### **NOTIFICATION**

No. 403-L. — 27<sup>th</sup> February, 1996.-The following Act of the West Bengal Legislature, having been assented to by the President of India, is hereby published for general information:-

**West Bengal Act XXIII of 1995  
The West Bengal Board of Revenue (Repealing)  
Act, 1995.**

[Passed by the West Bengal Legislature.]

[Assent of the President of India was first published in the Calcutta Gazette, Extraordinary, of the 27<sup>th</sup> February, 1996.]

An Act to repeal the Bengal Board of Revenue Act, 1913.

Whereas it is expedient to repeal the Bengal Board of Revenue Act, 1913; (Ben. Act II of 1913)

It is hereby enacted in the Forty-sixth 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 Bengal Board of Revenue (Repealing) Act, 1995.  
(2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.
- Repeal of Ben Act II of 1913. 2. The Bengal Board of Revenue Act, 1913 (hereinafter referred to as the said Act), is hereby repealed:  
Provided that such repeal shall not-
- (a) affect the previous operation of the said Act so repealed or anything duly done or suffered thereunder, or
  - (b) affect any right, privilege, obligation or liability acquired, accrued or incurred under the said Act so repealed, or
  - (c) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against the said Act so repealed, or
  - (d) affect any investigation, legal proceeding or remedy, in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid,
- and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if this Act had not been passed.
- Saving 3. Notwithstanding anything contained in section 2, at the date of commencement of this Act,
- (a) all properties of the Board of Revenue for West Bengal as re-constituted by or under the said Act (hereinafter referred to as the Board) shall transferred to, and vest in, the State Government,
  - (b) every liability of the Board in respect of any period prior to the date of commencement of this Act shall be the liability of the State Government, and
  - (c) every officer or other employee appointed by the Board and continuing in office immediately before the date of commencement of this act, shall be deemed to be the officer or, as the case may be, other employee of the State Government, and shall hold office or service under the State Government with the same rights and privileges as to salary and other conditions of service as would have been admissible to him if this Act had not been passed.
- Construction of references to Board etc. 4. Any reference to the Board, or the Member, or the Additional Member, or the Secretary, of the Board, in any of the Regulations or the Acts specified in the Schedule to this Act or in any Ordinance, order, bye-law, rule, scheme, notification or other document or instrument having the force of law, shall, unless the context otherwise requires, be construed as a reference to the State Government, and, thereupon, such Regulation, Act, Ordinance, order, bye-law, rule, scheme, notification or other document or instrument, shall be deemed to have been amended accordingly.
- Legal Proceedings. 5. Where immediately before the date of commencement of this Act any legal proceedings are pending to which the Board, or the Member, or the Additional Member, or the Secretary, of the Board, is a party, for the purposes of those proceedings, any reference to the board, or the Member, or the Additional Member, or the Secretary, of the Board, shall be construed as a reference to the State Government.
- Protection of action taken in good faith. 6. No suit, prosecution or other legal proceeding shall lie against the State Government or any officer or other employee of that Government for anything which is in good faith done or intended to be done under this Act.

Removal of difficulties.

7. If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order, not inconsistent with the provisions of this Act, remove the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date of publication of this Act in the Official Gazette.

#### **SCHEDULE**

(See section 4.)

1. The Bengal Land-revenue Regulation, 1793 (Bengal Regulation II of 1793).
2. The Bengal Decennial Settlement Regulation, 1793 (Bengal Regulation VIII of 1793).
3. The Bengal Revenue-free Lands (Non-Badshahi Grants) Regulation, 1793 (Bengal Regulation XIX of 1793).
4. The Bengal Revenue-free Lands (Badshahi Grants) Regulation, 1793 (Bengal Regulation XXXVII of 1793).
5. The Bengal Wills and Intestacy Regulation, 1799 (Bengal Regulation V of 1799).
6. The Bengal Revenue-free Lands Regulation, 1800 (Bengal Regulation VIII of 1800).
7. The Bengal Land-revenue Assessment Regulation, 1801 (Bengal Regulation I of 1801).
8. The Cuttack Land-revenue Regulation, 1805 (Bengal Regulation XII of 1805).
9. The Bengal Charitable Endowments, Public Buildings and Escheats Regulations, 1810 (Bengal Regulation XIX of 1810).
10. The Bengal Land-revenue Sales Regulations, 1812 (Bengal Regulation V of 1812).
11. The Bengal Ghatwali Lands Regulation, 1814 (Bengal Regulation XXIX of 1814).
12. The Bengal Patwaris Regulation, 1817 (Bengal Regulation XII of 1817).
13. The Bengal Kanungos and Patwaris Regulation, 1819 (Bengal Regulation I of 1819).
14. The Bengal Land-revenue Assessment (Resumed Lands) Regulation, 1819 (Bengal Regulation II of 1819).
15. The Bengal Land-revenue (Assistant Collectors) Regulation, 1821 (Bengal Regulation IV of 1821).
16. The Bengal Land-revenue Settlement Regulation, 1822 (Bengal Regulation VII of 1822).
17. The Bengal Government Indemnity Regulation, 1822 (Bengal Regulation XI of 1822).
18. The Bengal Land-revenue Settlement Regulation, 1825 (Bengal Regulation IX of 1825).
19. The Bengal Land-revenue Settlement (Resumed Kanungos and Revenue-free Lands) Regulation, 1825 (Bengal Regulation XIII of 1825).
20. The Bengal Revenue-free Lands Regulation, 1825 (Bengal Regulation XIV of 1825).
21. The Bengal Attached Estates Management Regulation, 1827 (Bengal Regulation V of 1827).
22. The Bengal Land-revenue Assessment (Resumed Lands) Regulation, 1828 (Bengal Regulation III of 1828).
23. The Bengal Revenue Commissioners Regulation, 1829 (Bengal Regulation I of 1829).
24. The Bengal Land-revenue (Settlement and Deputy Collectors) Regulation, 1833 (Bengal Regulation IX of 1833).
25. The Rent Recovery Act, 1853 (Act VI of 1853).
26. The Bengal Land-revenue Sales Act, 1859 (Act XI of 1859).
27. The Bengal Rent Act, 1862 (Bengal Act VI of 1862).
28. The Bengal Alluvion (Amendment) Act 1868 (Bengal Act IV of 1868).
29. The Bengal Survey Act, 1875 (Bengal Act V of 1875).
30. The Bengal Irrigation Act, 1876 (Bengal Act III of 1876).
31. The Land Registration Act, 1876 (Bengal Act VII of 1876).
32. The Court of Wards Act, 1879 (Bengal Act IX of 1879).
33. The Cess Act, 1880 (Bengal Act IX of 1880).
34. The Bengal Embankment Act, 1882 (Bengal Act II of 1882).

35. The Calcutta Survey Act, 1887 (Bengal Act I of 1887).
36. The Land Records Maintenance Act, 1895 (Bengal Act III of 1895).
37. The Estates Partition Act, 1897 (Bengal Act V of 1897).
38. The Indian Stamp Act, 1899 (Act II of 1899)
39. The Bengal Public Demands Recovery Act, 1913 (Bengal Act III of 1913).
40. The Bengal Wakf Act, 1934 (Bengal Act XIII of 1934).
41. The Bengal Development Act, 1935 (Bengal Act XVI of 1935).
42. The Bengal Tanks Improvement Act, 1939 (Bengal Act XV of 1939).
43. The West Bengal Private Forests Act, 1948 (West Bengal Act XIV of 1948).
44. The West Bengal Non-Agricultural Tenancy Act, 1949 (West Bengal Act XX of 1949).
45. The Cooch Behar (Assimilation of State Laws) Act, 1950 (West Bengal Act LXIII of 1950).
46. The West Bengal Evacuee Property Act, 1951 (West Bengal Act V of 1951).
47. The West Bengal Estates Acquisition Act, 1953 (West Bengal Act I of 1954).
48. The West Bengal Land Reforms Act, 1955 (West Bengal Act X of 1956).
49. The West Bengal Agricultural Lands and Fisheries (Acquisition and Resettlement) Act, 1958 (West Bengal Act XVIII of 1958).
50. The West Bengal Court-fees Act, 1970 (West Bengal Act X of 1970).
51. The West Bengal Religious Buildings and Places Act, 1985 (West Bengal Act XXXII of 1985).

By order of the Governor  
S. Maitra  
Special Officer & Ex officio  
Jt. Secy. to the Govt. of West Bengal

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CAITRA 1]	WEDNESDAY, MARCH 22, 2006	[SAKA 1928
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**Government of West Bengal**  
**Law Department**  
**Legislative**  
**NOTIFICATION**

No. 355-L. — 22<sup>nd</sup> March, 2006. — The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information:-

**West Bengal Act III of 2006**  
**The West Bengal Town and Country (Planning and Development) (Amendment) Act, 2006.**  
[Passed by the West Bengal Legislature.]  
[Assent of the Governor was first published in the Kolkata Gazette, Extraordinary, of the 22<sup>nd</sup> March, 2006]

An Act to amend the West Bengal Town and Country (Planning and Development) Act, 1979.

Whereas it is expedient to amend the West Bengal Town and Country (Planning and Development) Act, 1979, for the purposes and in the manner hereinafter appearing;

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 Town and Country (Planning and Development) (amendment) Act, 2006.

(2) It shall be deemed to have come into force on the 14<sup>th</sup> day of December, 2005.

Insertion of new section 13A in West Bengal Act XIII of 1979. 2. After section 13 of the West Bengal Town and Country (Planning and Development) Act, 1979 (hereinafter referred to as the principal Act), the following section shall be inserted:-

“Regulation of building operation within the Planning Area — 13A. The State Government may, by notification, for such period and on such terms and conditions, as may be specified, empower a Planning Authority or a Development Authority or any other authority to regulate building operation within the Planning Area, and to impose fees for such purposes, and in such manner, as may be prescribed.”

Amendment of section 138. 3. In section 138 of the principal Act, in sub-section (2), after clause (a), the following clause shall be inserted:-

“(aa) regulation of building operation within the Planning Area by a Planning Authority or a Development Authority or any other authority under section 13A;”

Repeal and saving. 4. (1) The West Bengal Town and Country (Planning and Development) (amendment) Ordinance, 2005, is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been validly done or taken under the principal Act as amended by this Act.

By order of the Governor,  
Md. Hesamuddin,  
Secy. to the Govt. of West Bengal  
Law Department.

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SRAVANA 5]

THURSDAY, JULY 27, 2006

[SAKA 1928

### **Bhangore Rajarhat Area Development Authority**

#### **NOTIFICATION**

Under section 102 of the West Bengal Town and Country (Planning and Development) Act, 1979.

No. 107/BRADA/12 dt. 25<sup>th</sup> July, 2006. — This is for information of the public that the Government of West Bengal vide its No. 2354-T & CP/IR-6/80 dated the 2<sup>nd</sup> April, 1980, in exercise of the power conferred by section 138 of the W.B Town and Country (Planning and Development) Act, 1979 has made the Planning Authority and Development Authority (Levy of Development Charges) Rules, 1980. The Government of West Bengal vide its No. 486-H2/1M-14/2006 dated the 12<sup>th</sup> June, 2006 has further, accorded sanction under section 102 of West Bengal Town and Country (Planning and Development) Act, 1979 to levy of development charges by the Bhangore Rajarhat Area Development Authority for carrying out of any development or change of use of land within the area under the jurisdiction of the said Authority.

The schedule of areas where the levy of development charges shall be imposed and the schedule of rates of above charges may be inspected at the office of the Bhangore Rajarhat Area Development Authority at Control Building, New Town Kolkata Water Supply Zone 1, Action Area 1A, New Town, Kolkata- 700 156.



**SCHEDULE OF AREAS**

<b>No.</b>	<b>Jurisdiction List No.</b>	<b>Mouzas</b>	<b>Police Station</b>	<b>District</b>
1	28	Bhatenda	Rajarhat	North 24-Parganas
2	29	Khamar	Rajarhat	North 24-Parganas
3	44	Bishnupur	Rajarhat	North 24-Parganas
4	30	Kalaberia	Rajarhat	North 24-Parganas
5	31	Basina	Rajarhat	North 24-Parganas
6	43	Chhota Chandpur	Rajarhat	North 24-Parganas
7	42	Jamalpara	Rajarhat	North 24-Parganas
8	41	Umarhati	Rajarhat	North 24-Parganas
9	40	Kalikapur	Rajarhat	North 24-Parganas
10	39	Kashinathpur	Rajarhat	North 24-Parganas
11	49	Sikharpur	Rajarhat	North 24-Parganas
12	38	Jhalgachhi	Rajarhat	North 24-Parganas
13	37	Ganragari	Rajarhat	North 24-Parganas
14	53	Naoabad	Rajarhat	North 24-Parganas
15	54	Hudarait	Rajarhat	North 24-Parganas
16	13	Tarahadia	Bhangore	South 24-Parganas
17	12	Dakshin Khairpur	Bhangore	South 24-Parganas
18	11	Abua	Bhangore	South 24-Parganas
19	24	Pithapukuria	Bhangore	South 24-Parganas
20	25	Jirangachhi	Bhangore	South 24-Parganas
21	45	Bamunia	Bhangore	South 24-Parganas
22	69	Chaltaberia	Bhangore	South 24-Parganas
23	71	Chak Maricha	Bhangore	South 24-Parganas

**Schedule of Rates of Development Charges**

- (a) for the institution of use-
- (i) for residence Rs. 10.00 per sq. Metre
  - (ii) for industry Rs. 50.00 per sq. Metre
  - (iii) for commerce Rs. 200.00 per sq. Metre
- (b) for change of use-
- (i) from Agriculture to residency Rs. 15.00 per sq. metre
  - (ii) from Agriculture to industry Rs. 55.00 per sq. Metre
  - (iii) from Agriculture to commerce Rs. 205.00 per sq. Metre
  - (iv) from Residence to industry Rs. 40.00 per sq. Metre
  - (v) from Residence to commerce Rs. 190.00 per sq. Metre
  - (vi) from industry to residence Rs. 40.00 per sq. Metre
  - (vii) from industry to commerce Rs. 150.00 per sq. Metre
- (c) for carrying out Development by erection or re-erection of any building or works Rs. 5.00 per cubic metre of the content of such building or works.

K.P. Pal  
Chief Executive Officer,  
Bhangore Rajarhat Area Development Authority.

**Government of West Bengal  
Law Department  
Legislative**

**NOTIFICATION**

No. 33-L. — 9<sup>th</sup> January, 2007. — The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information:-

**West Bengal Act XXXI of 2006  
The West Bengal Town and Country  
(Planning and Development), (Second Amendment) Act, 2006.**

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the Kolkata Gazette, Extraordinary of the 9<sup>th</sup> January, 2007.]

An Act to amend the West Bengal Town and Country (Planning and Development) Act, 1979.

Whereas it is expedient to amend the West Bengal Town and Country (Planning and Development) Act, 1979, for the purposes and in the manner hereinafter appearing;

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 Town and Country (Planning and Development) (Second Amendment) Act, 2006.
- (2) It shall come into force at once.
- Amendment of section 102 of West Ben Act XIII of 1979. 2. For sub-section (1) of section 102 of the West Bengal Town and Country (Planning and Development) Act, 1979 (hereinafter referred to as the principal Act), the following sub-section shall be substituted:-

“(1) In accordance with the provisions of this Act, and the rules made thereunder and with the previous sanction of the State Government, every Planning Authority or Development Authority shall, by notification, levy a charge (hereinafter called the development charge) on the carrying out of any development or change of use of land for which permission is required under Chapter VII, in the whole or any part of the Planning Area, at rates not exceeding those notified under section 103;

Provided that the rates may be different for different parts of the Planning Area.

**Explanation.** - For the purposes of this sub-section, ‘development’ shall, in addition to those mentioned in clause (7) of section 2 also include the institution of use of any land specified in clause (a) of section 103.”

- Substitution of new section for section 103 3. For section 103 of the principal Act, the following section shall be substituted:-

“Rate of development charges 103. The State Government shall, by notification, fix up the rates of development charge for the following :-

- (a) for the institution of use-
- (i) for residence,
  - (ii) for industry,
  - (iii) for commerce;

- (b) for change of use-
- (i) from agriculture to residence,
  - (ii) from agriculture to industry,
  - (iii) from agriculture to commerce,
  - (iv) from residence to industry,
  - (v) from residence to commerce,
  - (vi) from industry to residence,
  - (vii) from industry to commerce; and
- (c) for carrying out any other development under this Act.”

By order of the Governor,  
S.K. Chakrabarti  
Secy. to the Govt. of West Beng.  
Law Department.

— ● —  
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VAISAKHA 3]

WEDNESDAY, APRIL 23, 2008

[SAKA 1930

**Government of West Bengal  
Law Department  
Legislative**

**NOTIFICATION**

No. 616-L. — 22<sup>nd</sup> April, 2008. — The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information :-

**West Bengal Act X of 2008**

**The West Bengal Town and Country (Planning and Development) (Amendment) Act, 2008.**

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the Kolkata Gazette, Extraordinary, of the 23<sup>rd</sup> April, 2008.]

An Act to amend the West Bengal Town and Country (Planning and Development) Act, 1979.

WHEREAS it is expedient to amend the West Bengal Town and Country (Planning and Development) Act, 1979, for the purposes and in the manner hereinafter appearing;

It is hereby enacted in the Fifty-ninth 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 Town and Country (Planning and Development) (Amendment) Act, 2008.<br><br>(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 XIII of 1979 | 2. In section 2 of the West Bengal Town and Country (Planning and Development) Act, 1979 (hereinafter referred to as the principal Act), after clause (24), the following clause shall be inserted:-   |

“(25) “township” means a clearly delineated planned development project within a planning area having requisite basic urban-infrastructure facilities and amenities and conforming to development parameters as may be prescribed:

Provided that such township may be,-

- (i) residential township for predominantly residential purpose;
- (ii) Special category of township like institutional, Industrial or such others township as the State Government may notify;
- (iii) Integrated township.”
- Amendment of Section 19 3. In sub-section (1) of section 19 of the principal Act,-
- (1) For clause (a), the following clauses shall be substituted:-
- “(a) The Chief Minister of the State of West Bengal or any person nominated by him shall be the chairman:
- Provided that when there is no Council of minister functioning in the State of West Bengal, the State Government shall nominate such person, as it may think fit, to be the Chairman of the Kolkata Metropolitan Development Authority;
- (aa) One of the members of the Kolkata Metropolitan Development Authority, nominated by the Chief Minister to the State of West Bengal, shall be the Vice-Chairman;”
- (2) In clause (d),-
- (a) For the words “not more than five persons”, the words “not more than eight persons” shall be substituted;
- (b) In sub-clause (ii), for the words “Howrah Municipal Corporation and” the words “Howrah Municipal Corporation” shall be substituted;
- (c) For sub-clause (iii), the following sub-clauses shall be substituted:
- “(iii) three shall be Councillors of any Municipality within the Kolkata Metropolitan Area.
- (iv) two shall be the members of any Panchayat Samiti or Zilla Parishad within the Kolkata Metropolitan Area;”
- Amendment of Section 46. 4. In section 46 of the principal Act, in sub-section (1), for the words “carry out any development on any land”, the words “carry out any development or township project on any land” shall be substituted.

By order of the Governor  
Anindya Bhattacharyya  
Secy.-in-charge to the Govt. of West Bengal,  
Law Department

— ● —  
The Kolkata Gazette  
Extraordinary  
Published by Authority

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SATURDAY, JUNE 28, 2008

[SAKA 1930

**Government of West Bengal**  
**Urban Development Department**  
**‘Nagarayan’, DF-8, Sector-I**  
**Bidhannagar, Kolkata- 700 064**

No. 1546-T&CP

Kolkata, the 26<sup>th</sup> June, 2008.

**NOTIFICATION**

In exercise of the power conferred by sub-section (2) of section 1 of the West Bengal Town and Country (Planning and Development) (Amendment) Act, 2008 (West Ben. Act X of 2008), the Governor is

pleased hereby to appoint the 1<sup>st</sup> Day of July, 2008, on and from which the said Act shall come into force.

By order of the Governor  
Vivek Bharadwaj  
Principal Secretary to the  
Government of West Bengal.

— ● —  
The Kolkata Gazette  
Extraordinary  
Published by Authority

KARTIKA 9]

FRIDAY, OCTOBER 31, 2008

[SAKA 1930

**Government of West Bengal**  
**Urban Development Department**  
**'Nagarayan',**  
**DF-8, Sector-I, Bidhannagar, Kolkata- 700 064**

**NOTIFICATION**

No. 2255-T&CP/C-2/1C-3/2005(II)

Kolkata, the 27<sup>th</sup> October, 2008.

In Exercise of the power conferred by section 138 of the West Bengal Town and Country (Planning and Development) Act, 1979, the Governor is pleased hereby to make the following rules:-

**RULES**

**1. Short title & Commencement :-**

- (1) These rules may be called the West Bengal Town & Country Planning (Development of Township Projects) Rules, 2008.
- (2) They shall come into force on the date of publication in the Official Gazette.

**2. Definitions:-**

In these rules, unless the context otherwise requires,

- a) "the Act" means the West Bengal Town & Country (Planning & Development) Act, 1979 (West Bengal Act XIII of 1979);
- b) "Additional Open Space" means the areas to be provided in the form of greenery, water bodies etc. to be used as a buffer between zones or used to ensure the desired physical environment;
- c) "Applicant" means owner of the land within the planning area and includes authorised representative of the owner or anybody having the right to develop the said land in accordance with law and shall also include the transferee;
- d) "Basic urban infrastructure amenities" includes infrastructure to provide the basic utilities and services like roads and transport system including parking facilities, street lighting, street furniture; power supply and distribution system; telecommunication system; necessary system and facilities for potable water supply, drainage, sewerage and sanitation system; solid waste including bio-medical and e-waste management system; organised open space including landscaping, plantation, urban forestry, rainwater harvesting and other relevant urban services;
- e) "Basic urban infrastructure facilities" includes commercial facility, medical facility, educational facility, recreational facility and other infrastructural facilities like post office, fire fighting station, police station/outpost and other relevant facilities;

Explanation – For the purpose of this clause,-

- i) 'commercial facility' shall include premises provided for convenient shops to cater the needs of the township dwellers, market of perishable goods and other establishments

or institutions or centres in such activities or such services as compatibly carried out or rendered in the residential area or zone;

- ii) 'medical facility' shall include premises provided for in-patient treatment and out-patient health care unit, dispensary or pharmacy or medical stores and physician's chambers, pathological examinations and other diagnostic centres, blood bank, shops of medical equipments & instruments and other alike;
- iii) 'educational facility' shall include the premises for pre-preliminary level school to institutions for higher or specialised learning;
- iv) 'recreational facility' shall include premises for outdoor and indoor games and sports, socio-cultural and religious activities;
- f) "Clause" means the clause under the section of the Act.
- g) "Net Project Area" means the Project Area minus the area to be provided for accommodating basic urban infrastructure amenities, basic urban infrastructure facilities and additional open space;
- h) "Project Area" means the total area of the contiguous parcel of land, covering at least forty (40) hectare of land in case of a residential township, thirty (30) hectare of land in case of any special category of township and one hundred (100) hectare of land in case of an integrated township;
- i) "Section" means a section of the Act;
- j) "Town Planner" means a person with requisite qualification, recognised by the institute of Town Planners, India with Bachelor Degree in Civil Engineering or Architecture or Planning or equivalent.

### 3. Accessibility :-

- (1) The site of proposed township project shall have an access with a road not less than thirty (30) metres land width (Right of Way), if not abutting an existing road of at least Sub-Arterial category of Road as recommended in Urban Development Plans Formulation and Implementation (UDPFI) guidelines. The land requires to develop this access road shall not be included in the project area.
- (2) No internal road within the Project Area shall be of land width less than ten (10) metres.

### 4. Allocation of Land Area :-

The area to be provided for basic urban infrastructure amenities, basic urban infrastructure facilities and additional open space within the township project shall not be less than the following limit:-

Type of Township	Area for Basic Urban Infrastructure Amenities	Area for Basic Urban Infrastructure Facilities	Additional Open Space
Residential	35% of Project Area	10% of Project Area	Nil
Institutional	35% of Project Area	10% of Project Area	Nil
Industrial	35% of Project Area	10% of Project Area	10% of Project Area
Other Special Category	35% of Project Area	10% of Project Area	Nil
Integrated	35% of Project Area	10% of Project Area	5% of Project Area

Note:

- (i) In Special Category of township like Information Technology or Information Technology Enabled Services or Health or Sports or alike township, principal use shall be covering at least two-third of the Net Project Area but not exceeding three-fourth of the Net Project Area and at least one-fourth of the Net Project Area shall be used for residential purpose.
- (ii) In Integrated Township at least one-third of the Net Project Area shall be used for residential purpose and at least half of the Net Project Area shall be used for other special purposes like Institutional, Industrial, Commercial Complexes and alike.

- (iii) There shall be provision for economic weaker section and low income group category housing in the township as per the stipulation made by the State Government in this regard.
- (iv) Principal uses shall also include necessary allied activities exclusively associated with the basic purpose like hostel accommodation, staff quarters; specific outdoor and indoor play areas like football ground, gymnasiums etc. and recreational facilities like auditoriums and open air theatres for exclusive use of the institute or industry.
- (v) Adequate provision for residential accommodation for service-population should be considered.

**5. Development Control Regulations :-**

Development Control Regulations for a Township Project shall conform to the Land Use and Development Control Plan (LUDCP) of the concerned area. The area where no Floor Area Ratio (FAR) in Land Use and Development Control Plan (LUDCP) has been prescribed, the FAR shall not exceed 2.50. The ground coverage shall not exceed 35% of the Project Area. The Area where no LUDCP exists, the Development Control Regulations for Township Project of West Bengal shall be followed.

**6. Number of Dwelling Units:-**

Every Township shall have at least two hundred (200) dwelling units per hectare of the Net Project Area.

**7. Application for Permission for Development of 'Township' Project:-**

- 1) Subject to the provision of this rule, the applicant shall apply for permission for development of township project to the concerned Planning and Development Authority in the Form appended to this rule.
- 2) The following particulars and documents shall be submitted along with the application :-
  - a) Detailed Project Report/Master Plan of the Township Project;
  - b) Schedule of Plots within the Project Area;
  - c) Drawing in Quadruplicate –
    - i) An index map on a scale not smaller than 1:10000;
    - ii) Site plan of the Project Area with peripheral dimension showing the surrounding area and the existing access or accesses to the Project Area on a scale not smaller than 1:4000;
    - iii) Layout plan of the Project Area on a scale not smaller than 1:1000 showing the use specific location of area to be provided for basic urban infrastructure amenities, basic urban infrastructure facilities and additional open space including the schedule of areas of the proposed uses, clearly delineating the different use-zones as far as possible by means of colour, letters and explanatory notes or in some other convenient manner illustrated in the plan;
    - iv) Off site infrastructure;
    - v) Development phasing with project completion schedule;
    - vi) Public Transport Linkage Plan;
    - vii) Details of proposed land showing the contours;
    - viii) Rehhabilitation & Resettlement Plan, if required;
    - ix) A detailed plan of all proposed development work showing the plan, section and elevation on a scale not smaller than 1:100;
    - x) Environmental Impact Assessment report;
  - d) No objection certificate from relevant agencies and appropriate authorities or authorised persons like West Bengal Fire Services, West Bengal Pollution Control Board, Structural Engineer, Geo-Technical Engineer etc;

- e) An extract of record of rights or property register card or any other relevant document showing ownership of land proposed to be specified;
  - f) The Authority may also call from the applicant in writing any further information that may be required for the purpose of considering the application;
  - g) The Site Plan and Layout plan shall be prepared by a Town Planner and the detailed plan of all proposed development works shall be prepared by a registered Architect or Civil Engineer.
- 3) The Planning or Development Authority may also allow the applicant to submit a proposal for development of a township project with pertinent drawings and documents for provisional permission even prior to application in prescribed format. After scrutiny of the said drawing and documents, the concerned Authority, if satisfied in principle with the proposal, may issue an interim permission valid for a period not exceeding one (1) year, provided the applicant pays at the rate of Rs.5000.00 (Rupees Five Thousand) per hectare of the Project Area as processing charge.

**8. Time-limit for completion of Township Project :-**

The Applicant shall complete the development work in at least one-third of the project area to make it operational within a span of five (5) years from the date of receipt of formal permission from the concerned Authority.

By order of the Governor,  
P.K. Pradhan,  
Principal Secretary to the Government of  
West Bengal.

**Application Form**  
(See Rule 7)

[Application for permission for carrying out any "Township Project" under section 46 of the West Bengal Town and Country (Planning and Development) Act, 1979]

From:

Name: .....  
Address .....  
.....

To

The .....Planning Authority/Development Authority.

Sir,

I intend to develop a ..... "Township" project covering ..... hectare of land under the jurisdiction of..... Municipal Corporation/ Municipality/ Gram Panchayat covering Mouza or Mouzas with JL No.(s) ..... accessible from or abutting the existing road named ..... under..... Police Station, in accordance with the provisions of section 46 of the West Bengal Town and Country (Planning and Development) Act, 1979 and rule 7 of the West Bengal Town & Country Planning (Development of Township) Rules, 2008.

Following Documents and Drawings in quadruplicate are submitted herewith for Consideration of the proposal:

- 1)
- 2)
- 3)
- 4)

I request that the proposed development may be approved and that permission may be accorded to carry out the Township Project.

Signature of the Town planner

Signature of the Applicant.



**Government of West Bengal  
Land and Land Reforms Department  
Establishment Branch  
Writers' Buildings, Kolkata – 700 001**

**NOTIFICATION**

No.6744-Estt. — 1<sup>st</sup> September, 2009. – In exercise of the power conferred by clause (d) of sub-section 2 of section 20, of the West Bengal Land Reforms and Tenancy Tribunal Act, 1997 (West Ben. Act XXV of 1997), the Governor is pleased hereby to make the following amendment in the West Bengal Land Reforms and Tenancy Tribunal (Recruitment) Rules, 2004, published with this Department notification no. 6105-Estt., dated the 10<sup>th</sup> November, 2004, in the Kolkata Gazette, Extraordinary, Part I, dated the 10<sup>th</sup> November, 2004 (hereinafter referred to as the said rules) :-

**AMENDMENT**

In the said rules,- to Item (ii) of clause (b) of sub-rule (9) of rule 4, add the following provisions:-

“Provided that in the event of non-availability of staff eligible for promotion or deputation as mentioned in item (i) or item (ii), the post of Record Supplier may be filled up, on deputation, from amongst the permanent Group-D employees (excluding Guard, Night Guard and Sweeper) prescribed as feeder post of Record Supplier of the Land and Land Reforms Department in the recruitment rules:

Provided further that in the event of non-availability of staff eligible for promotion or deputation as mentioned in item (i) or (ii) and in the event of non availability of staff eligible for deputation as mentioned in the first proviso, the Post of Record Supplier may be filled up, on deputation, from amongst the permanent Group-D employees ( excluding Guard, Night Guard and Sweeper) prescribed as feeder post of Record Supplier of any other Department of the Secretariat in the respective recruitment rules.”.

By Order of the Governor,  
B. Ram,  
Land Reforms Commissioner and  
Pr. Secy. to the Govt. of West Bengal

<http://wbllroa.in>