

### 30. GUIDELINES ON CULTIVATION AND HARVESTING

**GOVERNMENT OF WEST BENGAL**  
CONFIDENTIAL

**Office of the Board of Revenue,  
West Bengal, Section A-I, G.E. Branch**

No.8992 (15)-G.E., 250/80      dated Calcutta,  
the 17<sup>th</sup> June 1980

**To  
The Collector/Deputy Commissioner....**

Reference is invited to the meeting held at Rotunda on June 17<sup>th</sup>, 1980 regarding Administrative Guide Lines for settlement of disputes relating to cultivation and harvesting. The Standing Guide Lines issued by the Board of Revenue in July 1979 (a copy of which is enclosed), should be strictly followed both in letter and in spirit. In settling disputes relating to cultivation and harvesting lawful protection to the bargadars and assignees of vested lands to which they are entitled under various laws should be ensured. Particular attention is drawn to paragraph 11 of the circular where anticipatory action is called for to ensure peaceful cultivation and harvesting.

A point was raised about the confusion resulting from Advocates' letters purporting to contain court's orders relating to certain prayers in the writ petitions/plaints which are not enclosed with such letters. In the absence of such documents it becomes difficult for the authorities concerned to understand the full import of the court's order and to decide consequential administrative response. In such cases whenever there is a confusion, authorities concerned may write to the Advocate to supply the full text of the court's order along with the writ petition/plaint to enable them to comply with the court's order. Simultaneously the authorities should contact the Learned Additional Advocate General without delay.

S. SINGH  
Secretary,  
Board of Revenue, West Bengal

Memo No.8992/1(145)-G.E.

Copy forwarded to-

- 1) Home Department.
- 2) Inspector General of Police, West Bengal

- 3) Deputy Inspector General of Police.
- 4) Superintendent of Police .....
- 5) The Commissioner, ..... Division
- 6) The Director of Lands Records and Surveys, West Bengal.
- 7) The Settlement officer, .....
- 8) The Sub-divisional Officer,
- 9) The Sub-divisional Police Officer  
.....

S. SINGH  
Secretary,

Dated, Calcutta,      Board of Revenue,  
the 17<sup>th</sup> June 1980.      West Bengal

**GOVERNMENT OF WEST BENGAL**

**Board of Revenue**

**Standing Guidelines for Settlement of  
disputes relating to cultivation and  
harvesting-Protection to bargadars and  
assignees of vested lands.**

1. It is the intention of the Government to ensure peaceful cultivation and harvesting by maintaining order by effective implementation of the land reforms laws.
2. Bargadars whether recorded or unrecorded should be given full legal protection not only in cultivating the land and harvesting the crop but also in sharing the produce strictly according to law.
3. While it is neither possible nor desirable to list all possible types of cases of agrarian disputes relating to cultivation and harvesting, a few major types of potential conflicts are being mentioned in the following paragraphs by way of illustration. Solutions of the variety of disputes may have to be locally found with the good offices of panchayat bodies.
4. Where the dispute is between the landowner and the recorded bargadar (including the bargadar who has got any document showing his prima facie right of cultivation issued by any public officer under any Act or Rules) the latter should receive full protection from the administration in cultivating the land and harvesting the crop and getting proper share of the produce.

5. Though legally there is no distinction between recorded and unrecorded bargadars, so far as the benefits of the land reforms laws are concerned, there might be difficulties in delivering the benefits to unrecorded bargadars. Attention is drawn to section 21B of the West Bengal Land Reforms Act which reads as follows:-

**“21B. Person cultivating land of another person to be presumed to be a bargadar in certain cases :**

A person lawfully cultivating any land belonging to another person shall be presumed to be a bargadar in respect of such land if such person is not a member of the family of the other person whose land he cultivates and the burden of proving that such land is in his personal cultivation shall, notwithstanding anything to the contrary contained in any other law for the time being in force, lie on the person who alleges that the person cultivating the land is not a bargadar in respect of such land.”

Therefore, under the law, if any person lawfully cultivates the land of another person he is presumed to be a bargadar. He should, therefore, get all protection under the law.

6. A problem may arise if two or more persons claiming as bargadars raise a dispute about cultivation and harvesting. In all probability one will be the genuine bargadar and the other a fake one. Local enquiries should be held to ascertain the fact and protection should be given to the genuine bargadar. Here again good offices of the panchayat bodies may be sought.

7. The possibility of disputes between two genuine bargadars, one who had been illegally evicted earlier and the other who has been engaged in his place cannot be ruled out. As contemplated under section 19B(1)(b) of the West Bengal Land Reforms Act, the newly engaged bargadar will cultivate the land, harvest the crop and share the produce with the old bargadar who had been illegally evicted. Landowners in such cases will not get any share of the produce. It is desirable to bring about a solution on this line through the good offices of the elected panchayat bodies. Such disputes should not be allowed to develop into open confrontation.

Every attempt should be made to prevent, as far as practicable, conflicts between and among the poor.

8. The problem may be slightly different regarding cultivation of vested land and harvesting of produce thereof. Where the pattaholder is an eligible person under section 49 of the West Bengal Land Reforms Act, he should be given all protection to cultivate the land, harvest the crop and take the entire produce.

9. Where the pattaholder is prima facie a non-eligible person but his patta has not yet been annulled, he should be allowed to cultivate the land and harvest the crop, if there is evidence that he is in actual possession of the land and he raised the crop himself.

10. In case where the land reforms machinery has failed to hand over possession of the allotted land to the pattaholder who is an eligible person, all attempts should be made to put him in possession of the land immediately in accordance with the rules including rule 20(A) 3(b) of the West Bengal Land Reforms Rules. Where, however, such allotted land has been cultivated illegally by a person other than the allottee, efforts should be made to sort out the problem by effecting amicable compromise through the good offices of the elected panchayat bodies, wherever necessary.

11. Determined efforts should be made to prevent and eliminate possibilities of violence during cultivation and harvesting. Sensitive areas should be identified where serious breach of the peace is apprehended because of the threat of violence and precautionary measures should be taken to forestall any occurrence of breach of the peace. Help and good offices of the elected panchayat bodies should be taken in this regard.

12. Government expects that the functionaries at all levels in the district administration should act impartially. They should always bear in mind that the weaker section of the community who have so far been deprived of and denied of their legitimate rights and privileges are given full benefits and protection that they are entitled to under various laws.

Writers' Buildings,  
Calcutta,  
The 31st July 1979.

**GOVERNMENT OF WEST BENGAL**  
**Office of the Board of Revenue, West Bengal**  
**Branch-G.E.**

No.16406(30)-G.E.

dated Calcutta, the 15<sup>th</sup> November, 1980

**To**

- (1) The Collector, .....**  
**(2) Superintendent of Police, .....**

Reports have been received that on the eve of the harvesting season land owners are obtaining interim order from the Hon'ble High Court directing, among others, the officers of our department and/or police officers to maintain status quo. Such orders are communicated normally by the Advocates for the petitioners. It is often not very clear to Government officers as to what is "status quo" in the given circumstances due to various reasons.

2. The expression 'Status quo' means the existing state of things at any given date, usually on the date of issue of the rule, unless any other date is specified in the order.

3. In cases where lands were cultivated by bargadars in the last sowing (cultivation) season, "status quo" means physical possession of the bargadar, constructive possession of the land-owner being exercised through the bargadar. In such cases, the Government have been advised that an order for "status quo" means continuation of physical possession of the bargadar who can harvest the crops raised by him as part of his physical possession.

P.K. DE  
Special Secretary,  
Board of Revenue, West Bengal.

Memo No.16406/1(68)-G.E.

Copy forwarded to: -

- 1) Additional District Magistrate (L.R.) .....  
2) Sub divisional Officer .....

For information and necessary action.

Calcutta  
The 15<sup>th</sup> Nov., 1980

P.K. DE  
Special Secretary,  
Board of Revenue, West Bengal.

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From the W.B. L & L.R. Manual, 1991

**CHAPTER XVIII**

**SETTLEMENT OF DISPUTES RELATING TO CULTIVATION AND HARVESTING**

**284.** The functionaries of the integrated set up have a very important role to play in containing disputes relating to cultivation and harvesting as also in resolution of such disputes.

**Preliminaries.**

**285.** Cultivation and harvesting disputes arise mainly on question of title and possession over lands, particularly lands under barga cultivation and lands settled with patta-holders.

**Disputes over patta and barga lands.**

**286.** (i) At least one month before the cultivation and harvesting seasons commence, the Block Land & Land Reforms Officer should ask the Revenue Inspectors to identify the plots in respect of which there may be disputes at the time of cultivation or harvesting.

**Identification of vulnerable areas and nature of disputes.**

ii) Identification of such areas should be made by the Revenue Inspector after field visits. He should associate the local Panchayats with such identification. During visits the Revenue Inspector should try to find out the actual nature of the dispute, i.e. whether it is over title or possession.

**287.** After the areas have been identified the Revenue Inspector should send a report to the Block Land & Land Reforms Officer giving details of the lands and the latter will find out from the record-of-rights the recorded status of the plots.

**Report to  
B.L.L.R.O.**

**288.** All details of the identified plots should be collected from the record-of-rights and carefully maintained so that these may be made available to the police authorities or the Panchayats at very short notice.

**Recorded status  
of disputed  
plots.**

**289.** The Block Land & Land Reforms Officer should send to the District Land & Land Reforms Officer, details of areas which may be prone to law and order problems during cultivation and harvesting so that the District Land & Land Reforms officer may place these details in the district level meetings

**Report to  
D.L.L.R.O.**

**290.** The Block Land & Land Reforms Officer, should as far as possible, visit the vulnerable areas jointly with the members of the Panchayati Raj Institutions immediately before the commencement of cultivation and harvesting seasons and keep the local police authorities posted about any potential dispute.

**Visit to  
vulnerable areas.**

**291.** It should be remembered that sometimes disputes of very minor nature conflagrate into serious law and order problems. Attempts should, therefore, be taken to resolve/diffuse such disputes at a very early stage.

**Diffusion of  
dispute at early  
stage**

**292.** The Block Land & Land Reforms Officer should maintain constant touch with the Block Development Officer, Sabhapati of the Panchayat Samiti and the officer-in-charge of the local police station during the entire period of cultivation and harvesting in his area.

**Liaison with  
other  
authorities.**

**293.** Meetings convened in connection with cultivation and harvesting should be attended by the Block Land & Land Reforms Officer or any other officer nominated by him without fail and all information regarding the recorded status of the lands in dispute should be furnished forthwith.

**Meeting.**

**294.** An important duty of the Block Land & Land Reforms Officer will be to maintain constant touch with the Sub-divisional Officer in all matters relating to cultivation and harvesting disputes. Copies of all communications, in particular those relating to law and order, should be invariably endorsed to the Sub-divisional Officer. Action to resolve such disputes should, as far as possible, be taken in consultation with him.

**Liaison with  
S.D.O.**

**295.** All disputes relating to cultivation and harvesting should be settled in accordance with the standing guidelines issued by the Board of Revenue (vide Appendix IX).

**Guidelines**

**GOVERNMENT OF WEST BENGAL  
OFFICE OF THE BOARD OF REVENUE, WEST BENGAL  
WRITERS' BUILDINGS, CALCUTTA-1.**

Memo No.7771(38)-GE/376/89

Dated, Cal. the 19<sup>th</sup>/31<sup>st</sup> August, 1992.

From : Special Secretary,  
Board of Revenue, West Bengal.

**To :**

- 1. Commissioner, .....**
- 2. Director of Land Records & Surveys and Joint Land Reforms Commissioner, W.B.**
- 3. District Magistrate,.....**
- 4. District Land and Land Reforms Officer, .....**

Detailed instructions of the Board of Revenue regarding resolution of sowing and harvesting disputes have already been issued. A copy of the standing instructions is enclosed for ready reference.

The undersigned is directed to say in this connection that the Board of Revenue has for sometime been considering the need for updating of existing arrangements for informal fora at different levels for examination of sowing and harvesting disputes and suggestions for administrative measures, especially in view of the need to involve panchayats fully in such matters.

It has therefore been decided that a forum shall be constituted for this purpose at the block level with the following members –

- 1) Sabhapati, Panchayat Samiti – Chairman,
- 2) Block Development Officer – Vice-Chairman
- 3) Block Land & Land Reforms Officer – Member,
- 4) Karmadhyaksha, Bon-O-Bhumi Sanskar Sthayee Samiti of Panchayat Samiti – Member,
- 5) Officer-in-Charge of Police Station – Member & Convenor,
- 6) Such other Panchayat functionaries as may be coopted for individual meetings.

It has also been decided that for the same purpose, there shall be a forum at the Sub-divisional level with the following members –

- 1) Sub-Divisional Officer – Chairman
- 2) Sub-Divisional Land & Land Reforms Officer – Member,
- 3) Sub-Divisional Police Officer –Member and Convenor.

This may be brought to the notice of all concerned.

K. P. Sandilya  
Special Secretary  
Board of Revenue, West Bengal

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**Copy of memo. No.4822(50)-GE dated, Calcutta , the 20<sup>th</sup>August,/7/9 1993 from the Secretary, Board of Revenue, West Bengal to (1-4) \*\*\*/(5) the District Land & Land Reforms Officer, .....**

The undersigned is directed to say that the Board of Revenue is pleased to make the following modifications in the order contained in memo. No.7771(38)-GE/376/89 dated 19.8.92 on the subject of sowing and harvesting disputes.

2. The Block Development Officer, instead of the Officer-in-Charge of the local Police Station, shall be the convenor of the block level forum set up for the purpose. The Officer-in-Charge of the Police Station shall however continue as a member.

3. The undersigned is further directed to say that it will not be necessary to have a forum at the Sub-divisional level as detailed examination of the issues will be made at

the block level. At the district level, however, the Sabhadhipati of the Zilla Parishad and the District Magistrate shall monitor and supervise the work and shall keep a continuous vigil to ensure that the law and order in their district is not disturbed by sowing and harvesting clashes.

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**GOVERNMENT OF WEST BENGAL**  
**Office of the Director of Land Records & Surveys**  
**And Joint Land Reforms Commissioner, West Bengal**  
**35, Gopalnagar Road, Alipore, Calcutta-700027.**

Memo No.438/900/CS/01 (Part)

Dated, Alipore, the 16<sup>th</sup> July'01

From :  
Director of Land Records & Surveys and Jt. Land Reforms Commissioner,  
West Bengal.

**To**  
**The Dist. Land & Land Reforms Officer**  
**South 24-Parganas.**

**Sub : W.P. No.2544(W)/2001**

**Suhasi Das(Naskar)**

**-vs-**

**State of West Bengal & Ors.**

It is observed that the BL&LROs and the SDL&LROs concerned are getting entangled with "Inter-Raiyat" Cultivation & Harvesting Disputes at the 5-men Committee Level.

It deserves mention here that the present case is a fit case to be decided within the jurisdiction of the Executive Magistrate as the petitioner had already obtained an injunction from a Civil Court but it was decided in the 5(five) men Committee Meeting which evidently an encroaching upon the jurisdiction of the Executive Magistrate.

He is, therefore, requested to caution the concerned the BL&LROs and the SDL&LROs not to issue any such letters which are bad in the eye of law.

This is for favour of his information and taking necessary action.

S. SURESH KUMAR  
Director of Land Records & Surveys  
And Jt. Land Reforms Commissioner  
West Bengal.