

41. NOTIFICATION AND AMENDMENT OF WBL&LR MANUAL, 1991

GOVERNMENT OF WEST BENGAL LAND AND LAND REFORMS DEPARTMENT LAND REFORMS BRANCH

NOTIFICATION

No. 435-L. Ref.

Dated, Calcutta, the 6th April, 1993.

In exercise of the power conferred by Rule 12 of the West Bengal Estates Acquisition Rules, 1954 (hereinafter referred to as the said Rules), the Governor is pleased hereby to direct, in modification of Land and Land Reforms Department notification No. 4274-L. Ref./20R-4/79, dated the 21st December, 1979, that all estates and all interests of intermediaries therein which have been taken possession of by the Collector under section 10 of the West Bengal Estates Acquisition Act, 1953 (West Bengal Act I of 1954), shall be managed in accordance with the West Bengal Land and Land Reforms Manual, 1991 (hereinafter referred to as the said Manual), on and from the date of coming into force of the said Manual, being the rules for the time being in force for the management of Government Estates referred to in Rule 12 of the said rules, subject to such directions as may, by general or special order, be issued from time to time by the State Government in this behalf.

2. The Governor is further pleased to direct that any action taken in accordance with the West Bengal Government Estates Manual, 1953, or the West Bengal Land Management Manual, 1977, shall be valid notwithstanding this order.

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

No. 436(96)-L.Ref.

Dated, Calcutta, the 8th April, 1993.

Copy forwarded for information to the :

- 1) _____ Department of this Government.
- 2) Board of Revenue, West Bengal.
- 3) Director of Land Records and Surveys, West Bengal, 35, Gopalnagar Road, Alipore, Calcutta – 700 027.
- 4) Divisional Commissioner, _____
- 5) Collector, _____
- 6) District Land and Land Reforms Officer,

Sd/- Illegible
Joint Secretary to the
Government of West Bengal.

GOVERNMENT OF WEST BENGAL LAND AND LAND REFORMS DEPARTMENT LAND REFORMS BRANCH

NOTIFICATION

No.437-L. Ref.

Dated, Calcutta, the 6th April, 1993.

In exercise of the power conferred by Rule 28 of the West Bengal Land Reforms Rules, 1965 (hereinafter referred to as the said Rules), the Governor is pleased hereby to

direct, in modification of Land and Land Reforms Department notification No.4272-L. Ref. / 20R-4/79, dated the 21st December, 1979, that all lands and all interests therein belonging to the State which have been taken possession of by the Collector under sub-section (3) of Section 14T of the West Bengal Land Reforms Act, 1955 (West Ben. Act X of 1956), shall be managed in accordance with the West Bengal Land and Land Reforms Manual, 1991 (hereinafter referred to as the said Manual), on and from the date of coming into force of the said Manual, being the rules for the time being in force for the management of Government estates referred to in Rule 28 of the said rules, subject to such directions as may, by general or special order, be issued from time to time by the State Government in this behalf.

2. The Governor is further pleased to direct that any action taken in accordance with the West Bengal Government Estates Manual, 1953, or the West Bengal Land Management Manual, 1977, shall be valid notwithstanding this order.

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

No.438(96)-L.Ref. Dated, Calcutta, the 8th April, 1993.

Copy forwarded for information to the :

- 1) _____ Department of this Government.
- 2) Board of Revenue, West Bengal.
- 3) Director of Land Records and Surveys, West Bengal, 35,Gopalnagar Road, Alipore, Calcutta – 700 027.
- 4) Divisional Commissioner, _____
- 5) Collector, _____
- 6) District Land and Land Reforms Officer,

Sd/- Illegible
Joint Secretary to the
Government of West Bengal.

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**GOVERNMENT OF WEST BENGAL
LAND AND LAND REFORMS DEPARTMENT
LAND REFORMS BRANCH**

NOTIFICATION

No.439-L. Ref.

Dated, Calcutta, the 6th April, 1993.

In exercise of the power conferred by Section 62 of the West Bengal Land Reforms Act, 1955 (West Ben. Act X of 1956), the Governor is pleased hereby to direct that for carrying out the purposes of the West Bengal Land Reforms Act, 1955(West Ben. Act X of 1956), the provisions of the West Bengal Land and Land Reforms Manual, 1991, shall, so far as such provisions relate to the implementation of the said Act and the rules made thereunder, be treated as directions of the State Government under Section 62 of the said Act.

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

No.440(96)-L. Ref.

Dated, Calcutta, the 8th April, 1993.

Copy forwarded for information to the :

- 1) _____ Department of this Government.
- 2) Board of Revenue, West Bengal.
- 3) Director of Land Records and Surveys, West Bengal, 35,Gopalnagar Road, Alipore, Calcutta – 700 027.
- 4) Divisional Commissioner, _____
- 5) Collector, _____
- 6) District Land and Land Reforms Officer,

Sd/- Illegible
Joint Secretary to the
Government of West Bengal.

Registered No.WB/SC-247

No.WB(Part-I)/2000/SAR-700

THE CALCUTTA GAZETTE
Extraordinary
Published by Authority

AGRAHAYANA 16]

THURSDAY, DECEMBER 7, 2000

[SAKA 1922

PART I – Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL
LAND AND LAND REFORMS DEPARTMENT
Land Reforms Branch
Writers' Buildings, Block-IV & V (1st floor),
Calcutta – 700 001.

NOTIFICATION

No.3430-L. Ref./342/2000.

Calcutta, the 7th December, 2000.

The Governor is pleased hereby to make the following amendment in the West Bengal Land and Land Reforms Manual, 1991 (hereinafter referred to as the said Rules), namely :-

Amendment

To rule 222 of the said Rules, add the following proviso :

“Provided that in case of Government land within the jurisdiction of the First Land Acquisition Collector, Calcutta, the District Land and Land Reforms Officer / Collector, South 24 – Parganas will cause valuation following the procedure as laid down in the West Bengal Land Acquisition Manual, 1991.”

By order of the Governor,
S. N. GHOSH.
Secretary to the Government of West Bengal.

THE KOLKATA GAZETTE
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AGRAHAYAN 19]

MONDAY, DECEMBER 10, 2001

[SAKA 1923

PART-I Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL
LAND AND LAND REFORMS DEPARTMENT
LAND REFORMS BRACH

NOTIFICATION

No.4650-L.Ref./IF-20/01 GE(M)

Kolkata, the 10th December, 2001.

In exercise of the power conferred by section 60 of the West Bengal Land Reforms Act, 1955 (West Bengal Act X of 1956), the Governor is pleased hereby to make, after previous publication as required by sub-section (1) of the said section, the following amendments in the West Bengal Land and Land Reforms Manual, 1991 as subsequently amended (hereinafter referred to as the said Rules), namely :-

Amendments

In the said Rules .-

(1) after rule 246, insert the following :-

“246A. The Government should not ordinarily manage any hat, market or bazar. Such interests lying at the disposal of the Government shall be settled by the District Land & Land Reforms Officer by auction among the co-operative societies or partnership firms formed in accordance with the provision of rule 266A. As and when lease of a hat, market or bazar expires, the same should be settled with such co-operative societies or partnership firms as is suitable.”;

(2) for rule 247, substitute the following :-

“247. Occasion of establishment of a new hat, market or bazar on Government land should be extremely rare. However, if there is a need for such establishment, the District Land & Land Reforms Officer may select the site and send proposal to the Land & Land Reforms Department through the Divisional Commissioner. After the proposal is approved, the District Land & Land Reforms Officer will settle the hat, market or bazaar by auction among the co-operative societies and partnership firms as are to be formed in accordance with the provision of rule 266A with preference to co-operative societies.”

(3) for clause (a) of rule 248, substitute the following :-

“(a) Lease rents when the hat is leased out to a co-operative society or partnership firm.”;

(4) omit rule 249 ;

(5) in rule 250,-

(i) for clause (a), substitute the following :-

“(a) The settlement shall be for a period of three years and on expiration of the said period the settlee shall be entitled to the option of successive renewals for the same period if other conditions are then fulfilled.”

(ii) in clause (e), for the word “Ijaradar”, substitute the word “Settlee”, and

(iii) in clause (f), for the word “Ijaradar”, substitute the word “Settlee”;

- (6) in rule 251,-
- (i) for the words "Ijara settlement", substitute the words "a settlement", and
 - (ii) for the words "settlements on Ijara", substitute the words "such settlements";
- (7) for rule 252, substitute the following :-
- "252. If there be any shop constructed by Government in a hat or market, it may be licensed with the land on which it stands. In granting such license preference should be given to a co-operative society or partnership firm. Most of the shops are already on license with private. As soon as such license expires or a new shop is constructed, fresh or new license should be granted to such co-operative societies or partnership firms so formed with principle laid down in rule 266A.";
- (8) for rule 254, substitute the following :-
- "254. Subletting of license or lease is strictly prohibited and if any licensee or lessee sublets his lease or license, such lease or license is liable to be cancelled.";
- (9) for rule 255, substitute the following :-
- "255. The licenses are not transferable except on account of succession or inheritance. In absence of succession or inheritance or on account of inability of any licensee to run the business, transfer may be allowed only in favour of co-operative societies of educated unemployed youths or partnership firms formed as per principle laid down in rule 266A with preference to co-operative society.";
- (10) for rule 266, substitute the following :-
- "266. Land and interests belonging to or at the disposal of the State Government includes the following :-
- (a) Tank, Tank-Fishery, Fishery, Riverine-Fishery, Flowing River, Hat, Bazar, Ferries, Tolls and other Sairati and Kutagari interest ;
 - (b) Mango, Lichi and other Falkars, if any;
 - (c) Jalkars, Canals, Dead rivers and Water enclosures;
 - (d) Quarry sand, Ordinary clay, Brick earth, Morrur, Stone, Tile earth, China clay, etc.
- Management of ferries, fisheries each with water area up to 5 acres, tanks each with water area up to 5 acres and other Kutagari interests have been transferred to Panchayats by an order of the Board of revenue, West Bengal with the following exceptions :-
- (i) Rivers :
 - (ii) Big water areas (above 5 acres);
 - (iii) Riverine fisheries;
 - (iv) Part vested water areas;
 - (v) Ferries declared as public ferries under the Bengal Ferries Act, 1885; and
 - (vi) Where the Panchayat cannot conveniently take over management of the same.
- The other items as in (b), (c) and (d) above are exclusively under the management of the Collector with exception that some of them described therein might have been transferred to some concerned Government Departments or Semi Government Organisation.";
- (11) after rule 266, insert the following :-

“266A. In keeping with the declared policy of the State Government to generate maximum self-employment through optimum use of resources at its disposal, it is decided that all kinds of assets excepting water area viz. fisheries, tank –fisheries, tanks etc. as stated in the preceding rule will be settled with co-operative societies or partnership firms of the local educated unemployed youth, such societies or firms forming with minimum three (3) members at least two of whom should belong to the family living Below Poverty Line (BPL) and one (1) may be the youth of a Non-Below Poverty Line (Non-BPL). In all cases the ratio of BPL and Non-BPL youths should be approximately at 2:1 ratio. It will be better appreciated if the ratio is made more skewed in favour of youths coming from BPL families. At least thirty (30) per cent members of such co-operative society or partnership firm should have minimum academic qualification of Madhyamik or equivalent :

Provided that in case, adequate number of local unemployed youths belonging to the family living Below Poverty Line are not available or do not forthcome, youths Double Below Poverty Line (DBPL), may be allowed to be member of such co-operative society or partnership firm to meet the deficit of youths of BPL group. Efforts should, however, always be made to find out the youths living Below Poverty Line and the youths Double Below Poverty Line should only come second in the priority.

Explanation. – Persons whose family income is below Rs.15,976/- per annum in rural areas and Rs.21,206/- per annum in urban areas shall be considered to be Below Poverty Line (BPL) , and those with family income below Rs.31,952/- per annum in rural areas and Rs.42,412/- per annum in urban areas respectively shall be considered to be Double Below Poverty Line (DBPL). The definition so given in this Explanation is subject to changes to be effected from time to time by the Panchayat and Rural Development Department. The District Land and Land Reforms Officer will accept the changes as and when such changes are made by the Panchayat and Rural Development Department.

266B. Whenever the Block Land and Land Reforms Officer/Sub-divisional Land and Land Reforms Officer/District Land and Land Reforms Officer puts any interest in auction, it will be mentioned in the notification that the co-operative society or partnership firm of the nature as stated in rule 266A will get priority over others. The Department of Co-operation is being moved to suitably amend the West Bengal Co-operative Societies Act to reduce the minimum number of members for forming a society to three (3). Until such amendment the partnership firm of the nature as stated in the rule 266A will be treated at par with registered co-operative society for the purpose of selection in auction. Requisite number of co-operative societies/partnership firms for production, trade and business shall be formed in each Block depending upon the availability of leaseable interests. Being custodian of data regarding families Below Poverty Line, Block Development Officer with the help of Co-operative Inspector of his Block will be the appropriate authority for organizing formation of such co-operative societies/partnership firms. It is desirable that such co-operative societies/partnership firms should be formed in advance and kept in waiting so that they can participate in any auction in right time.

For big sairati interests excepting water areas viz. fisheries, tank-fisheries, tanks etc. and quarries of any kind, co-operative societies in reasonable number depending upon the number and size of such interests shall be formed with BPL and Non-BPL members being of the ratio of approximately 2:1. In this case also, the Block Development Officer of the Block with the advice of Sabhapati of the Block Panchayat Samity and active assistance of the Block Co-operative Inspector will help to form the co-operative society. The Block Land and Land Reforms Officer will also make his services available to the Block Development Officer for the purpose.

266C. The tanks and other interests transferred to Panchayats shall be leased out to the functional Primary Fishermen’s Co-operative Societies or Fish Production Group in the manner as laid down in rule 272. The Panchayat must not lease out the same to any individual. Lease given to individuals shall not be renewed after expiration of the lease and settlement shall be made with functional local Primary Fishermen’s Co-operative Society or Fish Production Group as may be suitable according to the size of the water area.”,

(12) for rule 267, substitute the following :-

“267. The following rules in this Chapter relate to such fisheries/jalkars which have not been handed over to the Panchayats.”;

(13) for rule 268, substitute the following :-

“268. The flowing/tidal rivers are wealth of nature and should be kept free for enjoyment of general public. It is therefore expedient not to grant exclusive rights to these to any co-operative society or partnership firm or group of individuals or an individual to the exclusion of the general public. As soon as lease on any flowing river expires, the same should be kept free for enjoyment by members of general public.”

(14) for rule 270, substitute the following :-

“270. An ‘adjunct’ means water associated with a river fishery in such manner as to be in continuous connection with the river throughout the year, including dry season. When such perennial connection ceases, the water cease to be an “adjunct” and become a dead river. There are dead canals also in different areas. Such dead river/dead canal should be settled with functional local fishermen’s co-operative society or in absence of such society with the Fish Production Group in the locality. No lease for any ‘adjunct’ should be granted if it causes or is likely to cause disturbance to the flow of river. Lease may, however, be granted on obtaining clearance from the concerned district/state level officials of the Irrigation and Waterways Department.”;

(15) in rule 272.-

(a) for clause (i), substitute the following :-

“(i) the Government fisheries should not be settled with any individual. A Committee consisting of Collector of the District, the District Land and Land Reforms Officer and the Assistant Director of Fisheries with Collector as Chairman shall assess the average net income of each fishery on the basis of net income of preceding three years of such fishery and fix 25% of such income as economic rent for the fishery.”

(b) in clause (ii),-

(i) for the words “Registrar of Co-operative Societies”, substitute the words “Director of Fisheries”, and

(ii) for the words “Assistant Registrar of Co-operative Societies”, substitute the words “Assistant Director of Fisheries”,

(c) for clause (iii), substitute the following :-

“(iii) Sealed tenders should be invited from the functional societies thus identified for the district. The highest tender should be normally accepted if it is not less than the reserve price, which will be equal to the economic rent.

Preference should be given for settlement of the fishery directly with a functional local Primary Fishermen’s Co-operative Society in exclusion of District Level Central Fishermen’s Co-operative Society so as to enable the primary society to obtain bank loan.”

(d) omit clause (v);

(e) for clause (vi), substitute the following :-

“(vi) If lease cannot be granted to a co-operative society in the manner mentioned above, sealed tenders shall be called from bona fide local Fish Production Group and lease be given to the highest tenderer.”;

(f) omit clause (vii); and

(g) after clause (viii), insert the following :-

“(ix) Each Primary Fishermen’s Co-operative Society or Fish Production Group with whom lease is concluded should make every effort to utilize the water area

optimally. Failure to achieve minimum per hectare production as per norms to be fixed by the Department of Fisheries for two consecutive years will make the lease liable to be cancelled. The Primary Fishermen's Co-operative Society or Fish Production Group with which lease is concluded shall submit the production return to the District Land and Land Reforms Officer 15 days prior to the beginning of the next year through Assistant Director of Fisheries of the concerned district.”;

(16) in rule 273, add the following proviso :-

“Provided that if more than 50 per cent of water area of a private tank is vested, such tank shall not be settled with the private co-sharer. Instead the private co-sharer(s) shall form a Fish Production Group with suitable number of local fishermen and if local fishermen are not available with local unemployed youths selected from out of the families living Below Poverty Line and take settlement. Settlement should not be given for more than 7 years. The annual rent payable shall be fixed by the Collector / District Land and Land Reforms Officer with the help of Assistant Director of Fisheries concerned at the rate of 10 per cent of the market value of yield.”;

(17) in rule 274, for the words and figures “20 years”, substitute the words and figures “10 years”.

(18) In rule 275, for the words and figures “between 10 and 20 years”, substitute the words and figures “not exceeding 7 years”;

(19) After rule 275, insert the following :-

“275A. When a lease is granted for more than one year the rent shall be enhanced by 5 per cent per annum in all cases.”;

(20) in rule 281,-

(a) for clause (ii) substitute the following :-

“(ii) Ferries should be settled by the District Land and Land Reforms Officer by public auction to be held at least three month before the date from which the settlement is to have effect. Public auction shall remain restricted among co-operative societies or partnership firms as conceived in the 266A.”;

(b) in clause (iv) :-

(i) for the words and figures “Rs.2,500/-, substitute the words and figures “Rs.10,000/- and

(ii) for the words and figures “Rs.20,000/-“, substitute the words and figures, “Rs.50,000/-“;

(21) after CHAPTER XVII, insert the following chapter :-

“CHAPTER XVIIA

Settlement of ‘Falkars’

283A. There are already a few mango, lichi or other ‘falkars’ (orchard) at the disposal of the Government. After fuller implementation of Chapter IIB of the West Bengal Land Reforms Act, 1955, sizeable chunk of such orchards will vest in the State in different districts. Such orchards should be settled by auction among co-operative societies of unemployed youths or partnership firms formed as per provision of rule 266A with preference to the co-operative societies. Settlement should be made at least two months before the date from which the settlement is to have effect.

283B. The ‘falkar’ Lease should be in Form 5 given in Appendix IV with minor changes showing replacement of individual by co-operative society or partnership firm as the case may be. Sub-leasing of ‘falkars’ by the lessee co-operative society or the lessee partnership firm is strictly prohibited. However, transfer of such lease to another co-operative society or partnership firm of equal status with prior permission of the District

Land and Land Reforms Officer will not be treated as sub-letting. The lease should be registered.

283C. The District Land and Land Reforms Officer is empowered to accord sanction to the settlement of 'falkars' with a revenue not exceeding Rs.5,000/- in each case and the Commissioner is empowered to confirm settlement in a case where revenue does not exceed Rs.30,000/-.

283D. The period of settlement should be for a period not exceeding three years.

283E. (i) The District Land and Land Reforms Officer will determine the reserve price of each 'falkar' if necessary with the help of District Horticulture Officer or in his absence an appropriate Officer attached to the office of Principal Agricultural Officer. No settlement should be made at a bid money less than 75 per cent of the reserve price. The reserve price will be fixed after taking into consideration the income from the 'falkar' in the three preceding years.

(ii) The lease money will be determined and collected annually 50 per cent of which shall be paid within 15 days from the date of auction and another 50 per cent within four months thereafter. Failure to pay will make lease liable to be cancelled and auction should be arranged. There will be no refund of the lease money already paid."

(22) for rule 361, substitute the following :-

"361. Article 39(b) of the Constitution of India directs that the ownership and control of the material resources of the community as so distributed as best to subserve the common good. With a view to implementing the provision and for generating maximum employment among local educated unemployed youths, the quarry permits for minor minerals excepting brick earth should be granted to the co-operative societies or partnership firms with priority to the co-operative societies formed in the manner as laid down in rule 266A. Such society or partnership firm shall undertake mining operation in accordance with the terms and conditions of mining lease or quarry permit granted under the said Rules. No quarry permit should be granted to any individual for any minor mineral excepting brick earth."

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

Registered No.WB/SC-247

No. WB(Part-I)/2002/SAR-666

THE KOLKATA GAZETTE
Extraordinary
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AGRAHAYANA 5]

TUESDAY, NOVEMBER 26, 2002

[SAKA 1924

PART 1-Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL
LAND & LAND REFORMS DEPARTMENT
L. R. Branch
Writers' Buildings

NOTIFICATION

No.3490-LR/1F-20/-1

Kolkata, the 26th November, 2002.

In exercise of the power conferred by section 60 of the West Bengal Land Reforms Act, 1955 (West Bengal Act X of 1956), the Governor is pleased hereby to make, after

previous publication as required by sub-section (1) of the said section, the following amendments in the West Bengal Land and Land Reforms Manual, 1991 as subsequently amended (hereinafter referred to as the said Rules), namely :-

Amendments

In the said Rules .-

- (1) for rule 268. substitute the following with effect from the date of publication of notification no. 4650-L. Ref. Dated 10th December, 2001 in the Official Gazette :-

268. No lease for a fishery in a tidal river shall be granted for the first time
“New fisheries in without the previous sanction of the Government
tidal rivers : as it may sometimes be expedient not to grant
exclusive right to these to an individual or a group
of individuals to the exclusion of the general public.”

- (2) in clause (iii) of rule 272, add the following proviso :-

“Provided that if there is only one functional Primary Fishermen’s Co-operative Society in the locality, settlement shall be made with that local functional society on the basis of economic rent so determined for the fishery and in such event no tender needs be invited.”;

- (3) in rule 273, after the existing proviso, add the following proviso :-

“Provided further that if the owner of non-vested portion of a part vested tank fails or declines to form a co-operative society or a fish production group, he will be required to demarcate his non-vested area by earthen boundary. If he fails or declines so to do, a damage compensation at the rate of ten per cent of the market value of the vested portion which is necessarily under his occupation shall be realized in terms of sub-clause (ii) of clause (b) of sub-section (6) of Section 10 of the West Bengal Estates Acquisition Act, 1953.”;

- (4) for clause (iii) of rule 281, substitute the following :-

“Preference should be given for settlement of ferries with local Boatmen’s Co-operative Society or partnership concern formed of local boatman and hereditary patni. If there is only one such co-operative society or partnership concern in the locality, settlement shall be made with such co-operative society or partnership concern on the basis of economic rent to be determined by the Collector on the basis of 25% of the average of net income of preceding three years and in such event no tender needs be invited.”

By order of the Governor,
PRASADRANJAN RAY,
Secy. to the Govt. of West Bengal.

THE KOLKATA GAZETTE
Extraordinary
Published by Authority

PHALGUNA 1]

MONDAY, FEBRUARY 20, 2006

[SAKA 1927

PART I – Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL
LAND AND LAND REFORMS DEPARTMENT
Land Reforms Branch
Writers' Buildings, Kolkata – 700 001

NOTIFICATION

No.523-L.R. dated the 20th February, 2006.- In exercise of the power conferred by section 60 of the West Bengal Land Reforms Act, 1955 (West Ben. Act X of 1956) (hereinafter referred to as the said Act), the Governor is pleased hereby to make, after previous publication as required by sub-section (1) of Section 60 of the said Act, the following amendments in the West Bengal Land and Land Reforms Manual, 1991, as subsequently amended (hereinafter referred to as the said rules), namely :-

Amendments

In the said rules, in CHAPTER XVII,-

1. for rule 266C, substitute the following rule :-

“Manner of operation of tanks and other interests transferred to Panchayat.

266C. The tanks and other interests transferred to the Panchayats shall be leased out to the functional Primary Fishermen's Co-operative Societies or Fish Production Groups or Self-Help Groups in the manner as laid down in rule 272. The Panchayat must not lease out the same to any individual. Lease already given to individuals shall not be renewed after expiration of the period of such lease and settlement shall be made with the functional local Primary Fishermen's Co-operative Society or Fish Production Group or Self-Help Group as may be suitable according to size of the water area.

Explanation.- For the purpose of settlement of tanks and other interests transferred to Panchayats, the Self-Help Group shall mean such Self-Help Group who have passed Grade-I evaluation test conducted by the Panchayat and Rural Development Department, Government of West Bengal and the Bank.”

2. for rule 270, substitute the following rule :-

“Mode of settlement of dead 'adjunct' or dead canal.”

270. The dead river or the dead canal shall be leased out to the functional local Primary Fishermen's Co-operative Society or in absence of such Society to the Fish Production Group or to the Self-Help Group in the locality. No lease for any 'adjunct' shall be granted if it causes or is likely to cause disturbance to the flow of the river. Lease for such 'adjunct' may, however, be granted after obtaining clearance from the Collector of the concerned district.

Explanation .- For the purpose of this rule, the word 'adjunct' shall mean the part of water associated with a river fishery in such manner so as to be in continuous connection with the river throughout the year. When such connection with the river ceases, the water cease to be adjunct and becomes a dead river or dead canal."

3. for rule 272, substitute the following rule :-

"Mode of settlement of fisheries. 272. (i) The Government fisheries shall not be leased out and settled with any individual. A committee consisting of the Collector of the district, the District Land and Land Reforms Officer and the Assistant Director of Fisheries of the concerned district with Collector as Chairman of such committee shall assess the average net income of each fishery on the basis of net income of the precedig three years of such fishery and fix 25 per centum of such income as the economic rent for the fishery.

(ii) (a) The District Land and Land Reforms Officer shall, before the commencement of the year, provide to the Director of Fisheries, West Bengal, and to the Assistant Director of Fisheries of the concerned district a list of fisheries in his district, along with the date of expiry of the existing term of lease in each case, so that, they can identify the functional Primary Fishermen's Co-operative Societies or Fish Production Groups and get them apply for lease of fisheries when such lease falls due for resettlement. Similar list shall also be provided to the Collector of the District so that, he can identify the Self-Help Groups within the district and get them apply for lease of fisheries when such lease falls due for resettlement.

(b) The District Land and Land Reforms Officer shall obtain from the Director of Fisheries, West Bengal a list of Primary Fishermen's Co-operative Societies or Fish Production Groups in his district, which, in his opinion, are in a financial condition adequate for obtaining settlement of fisheries.

(c) The District Land and Land Reforms Officer shall also obtain from the Collector of the district, a list of the Self-Help Groups within the district which, in his opinion, are in a financial condition adequate for obtaining settlement of fisheries.

(d) The Assistant Director of Fisheries of the concerned district and the District Fishery Officer may be requested to remain present during the settlement of a fishery.

(iii) (a) Sealed tenders shall be invited from the Primary Fishermen's Co-operative Societies or Fish Production Groups or Self-Help Groups as identified under sub-rule (ii) for the district. The highest tender shall be normally accepted if it is not less than the reserve price, which shall be equal to the economic rent as fixed under sub-rule (i).

(b) Preference shall be given for settlement of any water body for the purpose of fishery with a functional local Primary Fishermen's Co-operative Society. However, only in the absence of any such functional Primary Fishermen's Co-operative Society in the said locality, the said water body may be settled with a local Fish Production Group or Self-help Group.

Provided that if there is only one functional Primary Fishermen's Co-operative Society and there is no Fish Production Group or Self-Help Group in the locality, then the settlement of water body shall be made with the said local functional Primary Fishermen's Co-operative Society on the basis of economic rent so determined under sub-rule (i) for the said water body and in such event no tender needs be invited.

(iv) If, however, the highest tender falls short of the reserve price, the settlement shall be made by auction among the Primary Fishermen's Co-operative Societies or Fish Production Groups or Self-Help Groups who had offered tenders, and the final settlement shall be made with the offerer concern giving the highest bid, provided that the bid shall not be less than 50 per centum of the reserve price.

(v) 25 per centum of the rent for the first year's settlement shall be deposited at the time of settlement and the balance shall be deposited before the beginning of the year. Rents for successive years for the period of settlement shall be deposited in full before the beginning of the respective year. Failure to comply any of the provisions of this sub-rule shall make the lease liable to be cancelled.

(vi) Each Primary Fishermen's Co-operative Society or Fish Production Group or Self-Help Group with whom lease is concluded shall make every effort to utilize the water area optimally. Failure to achieve minimum per hectare production as per norms to be fixed by the Department of Fisheries, Government of West Bengal, for two consecutive years shall make the lease liable to be cancelled. The Primary Fishermen's Co-operative Society or Fish Production Group or Self-Help Group with whom lease is concluded shall submit the production return to the District Land and Land Reforms Office at least 15 days prior to the beginning of the next year through the Assistant Director of Fisheries of the concerned district."

By order of the Governor,
SUKUMAR DAS
Secy. to the Govt. of West Bengal.

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**Government of West Bengal
Land and Land Reforms Department
PAC Branch**

Memo. No. 735 (18)-PAC/2A-1/2001.

Dated : 06.03.2006

From : Shri K. Bandyopadhyay,
Joint Secretary to the Govt. of West Bengal.

To
The D.L. & L.R.O.,
P.O., Dist.

Sub : Maintenance of Registers.

Sir,

It has been stated in sub-para no. 4.02.20 of the CAG Report for 1999-2000 (Revenue Receipts) that under the West Bengal Land and Land Reforms Manual, 1991, various records like Tenants' Ledger, Register of vested land, Register of leases and Certificate Register are required to be maintained. A review in audit covering period from 1994-95 to 1998-99 of the records relating to land revenue of 10 districts revealed that adequate attention had not been given to the maintenance of these Registers.

In view of the CAG's above observations and for better functioning, I am directed to request you to ensure strict compliance so that the above mentioned Registers are properly maintained in the offices within your jurisdiction. Registers II (Tenants' Ledger), VIII (relating to vested land, resumed land etc) and X (relating to leases/licenses) are to be maintained in terms of W.B.L. & L.R. Manual, 1991 whereas Register IX (relating to certificate cases) is to be maintained in terms of Rule 79 of Schedule - II of the Bengal Public Demand Recovery Act, 1913.

The above instructions should be circulated amongst offices under your jurisdiction and regular vigilance should be made from your end so that the above instructions are followed strictly in the offices under your control.

Yours faithfully,
K. Bandyopadhyay
Joint Secretary to the
Government of West Bengal.

Memo No.735(18)/1-PAC/2A-1/2001

Dated : 06.03.2006.

Copy forwarded to the D.L.R.S. & Joint L.R.C., Survey Bldgs., 35, Gopalnagar Road, Alipore, Kolkata - 27 for his kind information and necessary action. This has a reference to L & L.R. Deptt.'s Memo No. 2014/PAC/2A-1/2001dated.

K. Bandyopadhyay
Joint Secretary to the
Government of West Bengal.

<http://wbllroa.in>