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PART III—Acts of the West Bengal Legislature.

GOVERNMENT OF WEST BENGAL

LAW DEPARTMENT

Legislative

NOTIFICATION

No. 553-L.—14th March, 2001.—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 XXXI of 2000

THE WEST BENGAL LAND REFORMS
(AMENDMENT) ACT, 2000.

[Passed by the West Bengal Legislature.]

[Assent of the President of India was first published in the *Calcutta Gazette*,
Extraordinary, of the 14th March, 2001.]

An Act to amend the West Bengal Land Reforms Act, 1955.

WHEREAS it is expedient to amend the West Bengal Land Reforms Act, 1955, for the purposes and in the manner hereinafter appearing;

West Ben.
Act X of 1956.

It is hereby enacted in the Fifty-first Year of the Republic of India, by the Legislature of West Bengal, as follows:—

1. (1) This Act may be called the West Bengal Land Reforms (Amendment) Act, 2000.

(2) Save as otherwise provided in this Act, it shall be deemed to have come into force on the 7th day of August, 1969.

*The West Bengal Land Reforms (Amendment) Act, 2000.**(Sections 2-5.)*

Amendment of
section 2 of West
Ben. Act X of
1956.

2. In section 2 of the West Bengal Land Reforms Act, 1955 (hereinafter referred to as the principal Act),—

(a) in clause (2), after the words “the produce of such land from that person”, the following words, letters and brackets shall be inserted:—

“, but does not include a person who is related to the owner of the land as—

- (a) wife, or
- (b) husband, or
- (c) child, or
- (d) grand child, or
- (e) parent, or
- (f) grand parent, or
- (g) brother, or
- (h) sister, or
- (i) brother’s son or brother’s daughter, or
- (j) sister’s son or sister’s daughter, or
- (k) daughter’s husband, or
- (l) son’s wife, or
- (m) wife’s brother or wife’s sister, or
- (n) brother’s wife”, and

(b) for clause (6), the following clause shall be substituted:—

‘(6) “co-sharer of a *raiyat* in a plot of land” means a person, other than the *raiyat*, who has an undemarcated interest in the plot of land along with the *raiyat*.’.

Amendment of
section 4A.

3. In section 4A of the principal Act,—

(1) for the words “Deputy Commissioner”, wherever they occur, the word “Collector” shall be substituted;

(2) in sub-section (1),—

(a) for the word “holding” in the two places where it occurs, the words “plot of land” shall be substituted, and

(b) the following proviso shall be added at the end:—

“Provided that in giving directions as aforesaid, the Collector shall follow such procedure as may be prescribed.”;

(3) in sub-section (2), for the words “one hundred rupees”, the words “one thousand rupees” shall be substituted.

Amendment of
section 4C.

4. To sub-section (1) of section 4C of the principal Act, the following *Explanation* shall be added:—

“*Explanation*.—For the purposes of this sub-section, mode of use of land may be residential, commercial, industrial, agriculture excluding plantation of tea, pisciculture, forestry, sericulture, horticulture, public utilities or other use of land.”.

Amendment of
section 4D.

5. In section 4D of the principal Act,—

(1) in sub-section (1), for the words “shall be an offence punishable with imprisonment which may extend to three years or with fine which may extend to one thousand rupees or with both:”, the words “shall be a cognizable and non-bailable offence and shall be punishable with imprisonment for a term which may extend to three years or with fine which may extend to fifty thousand rupees or with both:” shall be substituted;

(2) sub-section (2) shall be omitted.

The West Bengal Land Reforms (Amendment) Act, 2000.

(Sections 6-9.)

Amendment of
section 5.

6. In section 5 of the principal Act, for the word "holding", wherever it occurs, the words "plot of land" shall be substituted.

Amendment of
section 7.

7. In section 7 of the principal Act,—

- (1) in the marginal note, for the word "holdings.", the words "plots of land." shall be substituted;
- (2) in sub-section (1), for the word "holding", wherever it occurs, the words "plot of land" shall be substituted.

Amendment of
section 8.

8. In sub-section (1) of section 8 of the principal Act,—

- (1) for the words "holding of a *raiyat*", the words "plot of land of a *raiyat*" shall be substituted;
- (2) for the words "co-sharer in the holding", the words "co-sharer of a *raiyat* in the plot of land" shall be substituted;
- (3) for the words "*bargadar* in the holding", the words "*bargadar* in the plot of land" shall be substituted;
- (4) for the words "co-sharer *raiyat* of the holding", the words "co-sharer of a *raiyat* in the plot of land" shall be substituted; and
- (5) for the words "adjoining such holding", the words "adjoining such plot of land" shall be substituted;
- (6) for the words "share of the holding", the words "share of the plot of land" shall be substituted;
- (7) in the first proviso,—
 - (a) for the words "*bargadar* in the holding.", the words "*bargadar* in the plot of land," shall be substituted,
 - (b) for the words "co-sharer *raiyat*", the words "co-sharer of a *raiyat* in a plot of land" shall be substituted,
 - (c) for the words "adjoining such holding", the words "adjoining such plot of land" shall be substituted, and
 - (d) for the words "share of the holding", the words "share of the plot of land" shall be substituted;
- (8) in the second proviso,—
 - (a) for the words "co-sharer *raiyat*", the words "co-sharer of a *raiyat* in a plot of land" shall be substituted,
 - (b) for the words "adjoining such holding", the words "adjoining such plot of land" shall be substituted, and
 - (c) for the words "share of the holding", the words "share of the plot of land" shall be substituted;
- (9) in the third proviso, for the words "adjoining such holding", the words "adjoining such plot of land" shall be substituted.

Amendment of
section 9.

9. In section 9 of the principal Act,—

- (1) in sub-section (1), for the words "share of the holding" in the two places where they occur, the words "share of the plot of land" shall be substituted;
- (2) in sub-section (2),—
 - (a) for the words "such holding", the words "such plot of land" shall be substituted,
 - (b) for the words "co-sharer *raiyat*", the words "co-sharer of a *raiyat* in a plot of land" shall be substituted, and
 - (c) for the words "land adjoining the holding.", the words "land adjoining the plot of land or *bargadar*." shall be substituted;

*The West Bengal Land Reforms (Amendment) Act, 2000.**(Sections 10-18.)*

(3) in sub-section (3),—

(a) for the words “co-sharer *raiyat* or *raiyat* holding adjoining land,” the words “co-sharer of a *raiyat* in a plot of land or *raiyat* holding adjoining land or *bargadar*,” shall be substituted, and

(b) for the words “share of the holding”, the words “share of the plot of land” shall be substituted;

(4) in sub-section (4), for the word “holding” in the two places where it occurs, the words “plot of land” shall be substituted.

Amendment of section 10.

10. In clause (a) of section 10 of the principal Act, for the word “holding”, the words “plot of land” shall be substituted.

Omission of section 11.

11. Section 11 of the principal Act shall be omitted.

Amendment of section 12.

12. In section 12 of the principal Act,—

(1) for the words “a holding”, the words “a plot of land,” shall be substituted, and

(2) for the words “the holding”, the words “the plot of land” shall be substituted.

Amendment of section 14.

13. In section 14 of the principal Act,—

(1) for the marginal note, the following marginal note shall be substituted:—

“Partition of plot of land among co-sharers of a *raiyat* in plot of land.”;

(2) in sub-section (1),—

(a) for the word “holding”, the words “plot of land” shall be substituted;

(b) for the words “co-sharer *raiyats* owning it”, the words “co-sharers of a *raiyat* owning it” shall be substituted;

(3) in sub-section (2), for the word “holding”, the words “plot of land” shall be substituted;

(4) in sub-section (3), for the word “holding”, wherever it occurs, the words “plot of land” shall be substituted;

(5) in sub-section (4), for the word “holding” in the two places where it occurs, the words “plot of land” shall be substituted;

(6) in sub-section (5), for the word “holdings”, the words “plots of land” shall be substituted;

(7) in sub-section (6), for the words “co-sharer *raiyats*”, the words “co-sharers of a *raiyat* in a plot of land” shall be substituted.

Amendment of section 14B.

14. In section 14B of the principal Act, for the word “holding”, the words “plot of land” shall be substituted.

Amendment of section 14C.

15. In section 14C of the principal Act, for the word “holding”, wherever it occurs, the words “plot of land” shall be substituted.

Amendment of section 14E.

16. In section 14E of the principal Act, for the word “holding”, wherever it occurs, the words “plot of land” shall be substituted.

Amendment of section 14F.

17. In section 14F of the principal Act, for the word “holding”, wherever it occurs, the words “plot of land” shall be substituted.

Amendment of section 14G.

18. In section 14G of the principal Act, for the word “holding”, wherever it occurs, the words “plot of land” shall be substituted.

*The West Bengal Land Reforms (Amendment) Act, 2000.**(Sections 19, 20.)*Amendment of
Chapter IIB.**19.** In Chapter IIB of the principal Act,—

- (1) in the heading, for the word “Holdings.”, the words “Land held by a *Raiyat*.” shall be substituted;
- (2) in section 14K, after clause (e), the following clause shall be inserted, and shall be deemed to have been inserted, with effect from the 27th day of August, 1996:—
 - (ee) “Planning Area” shall have the same meaning as in the West Bengal Town and Country (Planning and Development) Act, 1979;’;
- (3) in sub-section (3) of section 14T, in the second proviso, for the word “holding” in the two places where it occurs, the words “plot of land” shall be substituted;
- (4) in section 14Y,—
 - (a) in the first proviso, for the words “or township in accordance with the provisions of ”, the words “or township in a Planning Area as may be permitted to be developed under” shall be substituted, and shall be deemed to have been substituted, with effect from the 27th day of August, 1996,
 - (b) in the second proviso, for the words “two years”, the words “three years” shall be substituted, and shall be deemed to have been substituted, with effect from the 27th day of August, 1996,
 - (c) the *Explanation* shall be renumbered as *Explanation I*, and after *Explanation I* as so renumbered, the following *Explanation* shall be inserted, and shall be deemed to have been inserted, with effect from the 27th day of August, 1996:—

Explanation II.—“Township” shall mean a centre of urban population with defined boundaries within a Planning Area having, or proposing to have, usual urban facilities and approved as such by the appropriate Department of the State Government.’;
- (5) in clause (2) of section 14Z,—
 - (a) after the words “poultry farming or dairy.”, the words, figures and brackets “or township in a Planning Area as may be permitted to be developed under the West Bengal Town and Country (Planning and Development) Act, 1979,” shall be inserted, and
 - (b) in the first proviso, after the words “poultry farming or dairy.”, the words, figures and brackets “or township in a Planning Area as may be permitted to be developed under the West Bengal Town and Country (Planning and Development) Act, 1979,” shall be inserted.

West Ben. Act
XIII of 1979.Amendment of
section 15.**20.** In sub-section (1) of section 15 of the principal Act,—

- (1) in the marginal note, for the word “holdings”, the words “plots of land” shall be substituted;
- (2) in sub-section (1), for the word “holding”, the words “plot of land” shall be substituted.

The West Bengal Land Reforms (Amendment) Act, 2000.

(Sections 21, 22.)

Amendment of section 20B.

21. To sub-section (5) of section 20B of the principal Act, the following proviso shall be added, and shall be deemed to have been added, with effect from the 27th day of August, 1996:—

“Provided that subject to the payment of compensation by a transferee to a *bargadar* under the Land Acquisition Act, 1894, and the rules made thereunder, nothing in this sub-section shall apply to any land intended to be utilised for any of the purposes referred to in the first proviso to section 14Y.”

1 of 1894.

Substitution of new Chapter for Chapter IV.

22. For Chapter IV of the principal Act, the following Chapter shall be substituted, and shall be deemed to have been substituted, with effect from the 14th day of April, 1981:—

‘CHAPTER IV

Provisions as to revenue.

Liability to pay revenue.

22. (1) A *raiyat* shall be liable to pay revenue for his plot of land.

(2) Revenue shall be a first charge on land held by the *raiyat*.

Determination of revenue.

23. Notwithstanding anything to the contrary contained in any judgement, decree, or order of any court or tribunal or in any law for the time being in force, a *raiyat* shall pay as revenue in the following manner with effect from such date as the State Government may, by notification in the *Official Gazette*, specify for his land:—

- (a) above 6 acres, rupees 20 per acre;
- (b) comprised in tea garden and land used for cultivation of tea, rupees 30 per acre;
- (c) used for mill, factory, workshop or other commercial purposes in rural areas, rupees 3 per decimal;
- (d) used for mill, factory, workshop or other commercial purposes in urban areas, rupees 4 per decimal or the rent as on the day immediately before the date specified in the notification as aforesaid, whichever is higher;
- (e) used for non-agricultural purposes including homestead in the urban areas, other than urban agglomeration referred to in clause (f), rupees 2 per decimal;
- (f) used for non-agricultural purposes including homestead in an urban agglomeration as defined in the Urban Land (Ceiling and Regulations) Act, 1976, rupees 3 per decimal.

33 of 1976.

Explanation.—“Urban area” shall mean—

- (1) any area within the local limits of a Municipality, or
- (2) any area constituted by the State Government as a notified area under the West Bengal Municipal Act, 1993, or
- (3) such area in a newly developing locality as the State Government may, by notification in the *Official Gazette*, specify.

West Ben. Act XXII of 1993.

Exemption of revenue and payment of cess and surcharge.

24. (1) Notwithstanding anything contained in this Chapter,—

- (a) where the Revenue Officer on his own motion or on an application made by a *raiyat* makes an order that the total area of land held by a *raiyat* and his family does not exceed 2.428 hectares, the *raiyat* and his family shall be exempted from paying revenue with effect from the 1st day of Baisakh, 1385 B.S.:

The West Bengal Land Reforms (Amendment) Act, 2000.

(Section 22.)

Provided that such exemption shall not affect the liability of the *raiyat* to pay any cess imposed on him under the Cess Act, 1880, or the West Bengal Primary Education Act, 1973, or the West Bengal Rural Employment and Production Act, 1976, or any other law for the time being in force, on the basis of the revenue of his land determined under section 23:

Ben. Act IX of 1880.
West Ben. Act XLIII of 1973.
West Ben. Act XIV of 1976.

Provided further that no exemption shall be made in respect of any land which lies within—

- (a) any area within the local limits of a Municipality, or
 - (b) any area constituted by the State Government as a notified area under section 378 of the West Bengal Municipal Act, 1993, or
 - (c) any area in a newly-developing locality as the State Government may, by notification in the *Official Gazette*, specify, or
 - (d) any area within an urban agglomeration as defined in clause (n) of section 2 of the Urban Land (Ceiling and Regulation) Act, 1976, or
 - (e) any area which is used for mill, factory, workshop or other commercial purposes;
- (b) where the land held by a *raiyat* and his family is situated in both irrigated and non-irrigated areas, then, for the purposes of calculating the total area of land of the *raiyat* and his family, one hectare of land in irrigated area shall be deemed to be equivalent to 1.5 hectares of land in non-irrigated area;
- (c) if any amount already paid by a *raiyat* is in excess of the revenue payable by him under this section, the amount paid in excess shall be refunded to him, but if there is any deficiency in such payment, such deficiency shall be recovered from him as an arrear of revenue under the Bengal Public Demands Recovery Act, 1913, without any claim for interest being made on such deficiency.

West Ben. Act XXII of 1993.

33 of 1976.

Ben. Act III of 1913.

Explanation.—For the purposes of this section, (i) “family”, in relation to a *raiyat*, shall be deemed to consist of himself, his wife, minor sons and unmarried daughters, if any, and (ii) “irrigated area” shall have the same meaning as in clause (d) of section 14K.

(2) Any person aggrieved by an order made by the Revenue Officer under clause (a) of sub-section (1) may, within thirty days from the date of such order or within such further time as such authority may, on sufficient causes being shown, allow, prefer an appeal to such authority as the State Government may, by notification in the *Official Gazette*, specify.

Grounds for alteration of revenue.

25. The revenue payable by a *raiyat* may, in the manner to be prescribed, be altered by the Revenue Officer, if the land held by the *raiyat* and his family has increased or decreased in area by diluvion, amalgamation, purchase, partition, subdivision, acquisition or any other cause whatsoever subsequent to the determination of revenue.

Bar to jurisdiction of Civil Court.

26. No suit or other legal proceedings shall be instituted in any Civil Court in respect of the determination of any revenue or the omission to determine any revenue under this Chapter.

Instalment, time and place for payment of revenue.

27. (1) A *raiyat* shall pay revenue in such instalments, in such manner, and at such times, as may be prescribed.

*The West Bengal Land Reforms (Amendment) Act, 2000.**(Sections 23-25.)*

(2) Payment of revenue shall be made at the office of the Revenue Inspector or at such other places and in such manner as may be prescribed.

(3) Any instalment of revenue or part thereof which is not duly paid within the prescribed time shall be deemed to be an arrear.

Raiyat entitled to receipt for revenue.

28. Every *raiayat* shall, on making payment of revenue, be entitled to obtain forthwith a written receipt in the prescribed form for the amount paid by him, signed by the person authorised to make collection of revenue.

Chapter IV to have overriding effect.

29. The provisions of this Chapter shall have effect notwithstanding anything to the contrary contained in the West Bengal Land Holding Revenue Act, 1979.

West Ben. Act XLIV of 1979.

Repeal of West Ben. Act XLIV of 1979.

30. The West Bengal Land Holding Revenue Act, 1979, shall stand repealed with effect from such date as the State Government may by notification in the *Official Gazette*, appoint.

Amendment of Chapter V.

23. In Chapter V of the principal Act,—

- (1) in the heading, for the word “holdings,” the words “plots of land” shall be substituted;
- (2) in section 39, for the word “holdings”, wherever it occurs, the words “plots of land” shall be substituted;
- (3) in section 40,—
 - (a) for the words “the holdings”, the words “the plots of land” shall be substituted, and
 - (b) for the words “a holding”, the words “a plot of land” shall be substituted;
- (4) in section 41, for the word “holding” in the two places where it occurs, the words “plot of land” shall be substituted.

Amendment of section 49.

24. In section 49 of the principal Act,—

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

“Provided also that nothing in this sub-section shall apply to any case when freehold title-deed for land is given to a bonafide refugee in accordance with such norms as may be prescribed by the appropriate Department of the State Government.”

- (2) in *Explanation II* to sub-section (5), for the words “or township approved under”, the words “or township in an area declared to be a Planning Area under” shall be substituted.

Amendment of section 50.

25. Section 50 of the principal Act shall be renumbered as sub-section (1) of that section and—

- (1) in sub-section (1) as so renumbered, for the word “holdings” in the two places where it occurs, the words “plots of land” shall be substituted, and

*The West Bengal Land Reforms (Amendment) Act, 2000.**West Bengal Land Reforms (Amendment) Act, 2000.**(Sections 26, 27.)*

- (2) after sub-section (1) as so renumbered, the following sub-section shall be inserted:—

“(2) For every mouza in any district for which computerisation of land-record has been completed, the original set of finally published record-of-rights prepared under section 51A for such mouza of such district shall be preserved, and a set of computerised print-out of the finally published record of such mouza, duly authenticated by the prescribed authority, shall be taken up for updating and for issue of certified copies through computer. Such computerised record-of-rights, duly authenticated by the prescribed authority, shall be presumed to be correct, and on a par with the original copy of, record-of-rights.”

Amendment of section 50A.

26. In the proviso to section 50A of the principal Act, for the words “Revenue Officers specially empowered”, the words “prescribed authority appointed” shall be substituted.

Insertion of new section 50B.

27. After section 50A of the principal Act, the following section shall be inserted:—

“Modification of record-of-rights.

50B. (1) The State Government may, in any case where it so thinks fit, make an order by notification published in the *Official Gazette*, directing that the record-of-rights in respect of a district or part of a district, as maintained up-to-date under section 50, be modified by eliminating from such record the entries, if any, which have been deleted and scored out under that section, from time to time.

(2) When an order is made under sub-section (1), the prescribed authority appointed under section 50 (hereinafter referred to in this section as the prescribed authority) shall modify in the prescribed manner the record-of-rights in accordance with the provisions of sub-section (1).

(3) When a record-of-rights is modified, the prescribed authority shall publish a draft of the record modified in the prescribed manner and for the prescribed period and shall receive and consider any objection to any entry therein or to any omission therefrom.

(4) When all such objections under sub-section (3) have been considered and disposed of, the prescribed authority shall cause the modified record to be finally published in the prescribed manner and shall certify the fact of final publication and the date thereof and shall date and superscribe the same under his name and official designation.

(5) Any officer specially empowered by the State Government in this behalf may, within such period as may be prescribed, revise in the prescribed manner any entry in a record finally published under sub-section (4) after giving the person or persons interested an opportunity of being heard and after recording reasons therefor.

(6) Every entry in a modified record-of-rights finally published under sub-section (4), including any entry revised under sub-section (5), shall be presumed to be correct.

(7) The provisions of this section shall not apply to a record-of-rights in respect of a village, the revision or preparation of which has commenced under Chapter VIIA, but shall apply to such record-of-rights after its final publication under sub-section (2) of section 51A.

The West Bengal Land Reforms (Amendment) Act, 2000.

(Sections 28-30.)

(8) When an order has been made under sub-section (1), no Civil Court shall entertain any suit or application which involves correction, revision, modification or cancellation of any entry in the record-of-rights of a village in accordance with such order, till the record-of-rights relating to such village is finally published under sub-section (4), and if any suit or application relating to any entry in such record-of-rights is pending before a Civil Court on the date of issue of such order, such suit or application, as the case may be, shall abate.

Amendment of section 51A.

28. In section 51A of the principal Act,—

(1) in sub-section (4), for the words "within three years," the words "within twenty-five years," shall be substituted;

(2) for sub-section (5), the following sub-section shall be substituted:—

(5) Any person aggrieved by an order passed in revision under sub-section (4) may, within such period, and on payment of such fee, as may be prescribed, appeal in the prescribed manner to the prescribed authority of the district in which the land referred to in the record-of-rights is situated:

Provided that where the appeal is preferred to a Collector, he may transfer the appeal to such officer subordinate to him as may be prescribed:

Provided further that the officer to whom the appeal is transferred is superior in rank or position to the officer or authority making the order appealed against."

Insertion of new section 57A.

29. After section 57 of the principal Act, the following section shall be inserted:—

57A. The State Government may, by order published in the Official Gazette, vest any officer or authority with all or any of the powers of a Civil Court under the Code of Civil Procedure, 1908."

5 of 1908.

Saving and validation.

30. Anything done or any action taken under the principal Act as amended by this Act before the publication of this Act in the Official Gazette shall be deemed to have been validly done or taken under the principal Act as amended by this Act as if this Act were in force when such thing was done or such action was taken.

disposed of the prescribed authority shall cause the modified record to be finally published in the prescribed manner and shall certify the fact of final publication and the date thereof and shall date and superscribe the same under his name and official designation.

(2) Any officer specially empowered by the State Government in this behalf may, By order of the Governor, N. C. SIL, Principal Secy. to the Govt. of West Bengal & Secy., Law Department.

(6) Every entry in a modified record-of-rights finally published under sub-section (4), including any entry revised under sub-section (2), shall be presumed to be correct.

(7) The provisions of this section shall not apply to a record-of-rights in respect of a village the revision or preparation of which has commenced under Chapter VIIA.