

# West Bengal Estates Acquisition Rules, 1954

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## DEPARTMENT OF LAND AND LAND REVENUE

**Notification No. 8074L. Ref., 28th May, 1954.**—In exercise of the power conferred by section 59 of the West Bengal Estates Acquisition Act, 1953 (West Bengal Act I of 1954), the Governor is pleased to make, after previous publication as required by sub-section (1) of the said section, the following rules, namely:—

### CHAPTER I

#### Preliminary

**1. Short title.**—These Rules may be called the West Bengal Estates Acquisition Rules, 1954.

**2. Definition.**—In these rules—

- (a) the expression “the Act” means the West Bengal Estates Acquisition Act, 1953 (West Bengal Act I of 1954), and
- (b) “section” means a section of the Act.

### CHAPTER II

#### Acquisition of estates and of the rights of intermediaries therein under Chapter II of the Act

**3. Form of Notification under section 4 and manner of its publication.**—

(1) The notification referred to in sub-section (1) of section 4 shall be in Form No. 1 appended to these rules or in a form substantially similar thereto.

(2) The manner in which such notification shall be published in the first instance under sub-section (3) of section 4 shall also be as follows, namely:—

by affixing a copy of the notification together with a Bengali translation thereof—

(i) in every office of Municipal Commissioner, District Board, Union Board and Panchayati Union; and

(ii) in such local kutcharies of the intermediaries as are known to the Collector,

within the district or part of the district specified in the notification.

**3A. Procedure for enquiry under section 5A(1).**—The procedure for enquiry under sub-section (1) of section 5A shall be as follows:

- (1) Where, in the opinion of the State Government or of any officer in its service to whom its powers under sub-section (1) of section 5A may be delegated, there are *prima facie* reasons for believing that transfer of

any land made by an intermediary between the 5th day of May, 1953 and the date of vesting is not *bona fide*, the State Government or such officer may record a formal order to that effect.

- (2) Thereafter the State Government or such officer shall cause to be served <sup>2</sup>on the transferor and the transferee of such land and also on the bargadar, where such land is under the cultivation of a bargadar and such other party as may be found to be interested in <sup>3</sup>or affected by the transfer a copy of such order and a notice requiring them to produce necessary documents and other evidence <sup>4</sup>for proving whether or not the transfer of such land was *bona fide* and shall specify in such notice a date, time and place for the production of such documents and other evidence and the hearing of the case.
- (3) <sup>2</sup>Upon hearing the transferor, the transferee, the bargadar and other party referred to in sub-rule (2) as appear at the hearing of the case and considering such documents as may be produced and the evidence, if any, which may be adduced and after making such enquiry, if any, as the State Government or such officer thinks fit, the State Government or such officer, as the case may be, shall make an appropriate order. If however, the <sup>2</sup>transferor, the transferee, the bargadar or other party referred to in sub-rule (2) does not appear on the date and at the time and place fixed in the notice under sub-rule (2) for the production of the documents and evidence and for the hearing of the case on any subsequent date to which the hearing may be adjourned the State Government or such officer, as the case may be, shall be entitled to proceed to hear the case and to make such order *ex parte* against the <sup>2</sup>non-appearing transferor, transferee, the bargadar or other party.

1. Rule 3A was inserted by Notification No. 18136L. Ref., dated the 30th November, 1954.
2. Substituted by Notification No. 15710-L Ref., dated the 4th September, 1964.
3. The words "or affected by" inserted by Notification No. 23538L. Ref., dated the 24th December, 1959.
4. The words "for proving whether or not" was substituted by Notification No. 23538L. Ref., dated the 24th December, 1959.

**3B. Procedure for disposal of appeals under section 5A(6).—**<sup>1</sup>The procedure for disposal of appeal under sub-section (2) of section 11 as laid down in rule 9 shall, *mutatis mutandis*, apply to the procedure for disposal of appeals under sub-section (6) of section 5A.

1. Rule 3B was inserted by Notification No. 18136L. Ref., dated the 30th November, 1954.

**<sup>1</sup>4. Terms and conditions of holding land retained by an intermediary under section 6(1).—**Any land retained by an intermediary under the provisions of sub-section (1) of section 6 shall, subject to the provisions of the Act, be held by him from the date of vesting on the terms and conditions specified below:

*Terms and conditions above referred to*

(A) **Land comprised in a tea garden :** The intermediary shall hold such

land on the terms and conditions set out in Schedule F appended to these rules.

**(B) Land not comprised in a tea garden:** (1) (a) The intermediary shall, if his holding comprises an undivided share of any plot, partition and demarcate such share, when so required by a Revenue Officer, and on failure of the intermediary to do so, the Revenue Officer shall partition and demarcate such share. On such partition and demarcation, the Revenue Officer shall assign a separate plot number to the holding and make, where possible, such changes in the cadastral survey map and in the records-of-right as may be necessary.

(b) The intermediary shall not be entitled to dig, or use earth or clay from the land held by him for the manufacture of bricks or tiles otherwise than for his own use, except—

- (i) with the previous permission of the State Government in writing in this behalf, and
- (ii) in accordance with the terms and conditions, if any laid down by the State Government in granting such permission.

(2) If the land held by the intermediary be non-agricultural land then—

- (i) he shall hold it as a tenant under the West Bengal Non-Agricultural Tenancy Act, 1949, holding non-agricultural land for not less than twelve years without any lease in writing ;
- (ii) he shall be governed by the provisions of the West Bengal Non-Agricultural Tenancy Act, 1949, except that if the rent in respect of such land is determined or assessed under the provisions of the Act, the amount of rent payable for the period upto and including the Bengali year in which such determination or assessment takes place shall be paid in such instalments and on such dates as the State Government may direct, and that an arrear of any such instalment shall bear simple interest at the rate of six and a quarter per centum per annum from the date on which the instalment falls due to the date of payment or the date of institution of any suit or proceeding for recovery thereof, whichever is earlier.

(3) If the land held by the intermediary be agricultural land; then—

- (i) he shall hold it, *mutatis mutandis*, on the terms and conditions mentioned in sections 23, 23A, clause (a) of section 25, <sup>2</sup>sections 26, 26B, 26C, 26G, sections 52 to 55, sub-sections (1) and (2) of section 56, sections 65, 67, sub-section (1) of section 68, sections 73, 86A, sub-sections (1), (2) and (3) of section 87, so much of section 159 as does not relate to protected interests, sections 161 to 163, 166, sub-sections (1), (2) and (3) of section 167, section 168, sections 169 to 171 and sections 173 to 177 of the Bengal Tenancy Act, 1885:

Provided that he shall not be entitled to let out the land or any part thereof in any manner whatsoever :

<sup>3</sup>Provided further that in the case of an intermediary in the Sadar Subdivision, Kalimpong Sub-division and Kurseong Sub-division of the district of Darjeeling the intermediary—

- (a) shall not sell or otherwise dispose of any tree on the land ;
- (b) shall not cut, except in accordance with such direction as the State Government may think fit to give having regard to the safety of the area concerned, more than one tree from the land for domestic use ;
- (c) shall not adopt any form of cultivation considered harmful by the Collector ; and
- (d) shall be liable, on a contravention of any of the above conditions to forfeiture of his tenancy right.

*Explanation.*—For the purpose of condition (c), the Collector may, by an order in writing, forbid such form of cultivation as he may consider harmful or prescribe any other form of cultivation.

- (ii) he shall pay rent for such land in four equal instalments falling due on the last date of each quarter of the agricultural year except that if the rent in respect of such land is determined or assessed under the provisions of the Act, the amount of rent payable for the period up to and including the agricultural year in which such determination or assessment takes place, shall be paid in such instalments and on such dates as the State Government may direct, and that an arrear of any such instalment shall bear simple interest at the rate of six and a quarter per centum per annum from the date on which the instalment falls due to the date of payment or the date of institution of any suit or proceeding for recovery thereof, whichever is earlier.

(4) An intermediary belonging to a Scheduled Tribe as notified under clause (i) of article 342 of the Constitution of India shall hold any land retained by him subject to the following further conditions, namely,—

- (i) he shall not transfer his land or any portion thereof to any person by sale, exchange, mortgage, gift, will, lease or otherwise except with the previous permission of the Collector, in writing, containing the terms of the transfer. No permission shall, however, be necessary in the case of a lease to another member of the Scheduled Tribe or in the case of a complete usufructuary mortgage to another member of the Scheduled Tribe for a period not exceeding seven years;
- (ii) no transfer shall be valid unless made by a registered instrument ;
- (iii) if a transfer of any land or a portion thereof is made in contravention of the provisions of this paragraph, the Collector may, on his own motion, or on an application made in that behalf, by an order in writing, eject the transferee from the land or portion thereof on such terms and conditions as he thinks fit, provided—
  - (a) the transferee whom it is proposed to eject has not been in continuous possession for twelve years or more ;
  - (b) he is given an opportunity of showing cause against the order of ejection, and
- <sup>4</sup>(c) an appeal shall lie to the Collector of the district from any order made by any officer subordinate to him if preferred within thirty days from the

date of the impugned order. Every order made by the Collector of the district either in his original or appellate jurisdiction shall be subject to revision by the Divisional Commissioner, either of his own motion or on application made in this behalf within sixty days from the date of such order.

1. Substituted by Notification No. 11214L. Ref., dated the 7th September, 1962.
2. Substituted by Notification No. 13828L. Ref., dated the 1st August, 1964.
3. Inserted by Notification No. 19422L. Ref., dated the 14th November, 1963.
4. Substituted by Notification No. 1894L. Ref., dated the 6th February, 1964.

**4A. Procedure for choosing land which an intermediary is entitled to retain under section 6.**—<sup>1</sup>(1) Every intermediary entitled to retain possession of lands under sub-section (1) of section 6 shall, if he chooses to retain any such land, make his choice by furnishing to the Settlement Officer or to the Revenue Officer authorised by the Settlement Officer in this behalf, before the expiry of the 30th day of April, 1958, a statement in writing in Form B appended to Schedule B appended to these rules or in a form substantially similar thereto and in the manner indicated therein:

Provided that if the area of land held by a raiyat or an under-raiyat who is deemed to be an intermediary under section 52 does not exceed the limit laid down under clause (c) or clause (d) of sub-section (1) of section 6, he shall not be required to exercise such choice.

*Explanation.*—In computing the area of lands held by a raiyat or an under-raiyat in his khas possession, any land retained by him as an intermediary under clause (c) or clause (d) of sub-section (1) of section 6 prior to the operation of section 52 shall be included:

<sup>2</sup>Provided further that in any area of the transferred territories, the choice for retention of land under sub-section (1) of section 6 shall be exercised by an intermediary within the 31st day of July, 1964, by furnishing the statement referred to in this sub-rule in relation to all his estates or interests.

<sup>3</sup>[ \* \* \* \* ]

1. Rule 4A was inserted by Notification No. 1030L, Ref., dated the 21st January, 1958.
2. Inserted by Notification No. 7204L Ref., dated the 25th April, 1964.
3. Sub-rule (2) of Rule 4A was omitted by Notification No. 14796L, Ref., dated the 11th September, 1961.

**5. Accounts for arrears of rent due to an intermediary collected through the State Government under section 9.**—When the State Government grants an application made by the intermediary under sub-section (1) of section 9, then, at the end of each quarter of the agricultural year accounts of the amount recovered in pursuance of sub-section (3) of section 9 shall be sent to the intermediary by registered post and except where an intermediary has made an agreement in writing referred to in sub-section (1) of section 7, the intermediary shall be requested to intimate within a week of the receipt of the accounts if after deducting the cost of recovery referred to in sub-section (4) of section 9 such amount is to be adjusted against arrears of land revenue, cesses, taxes

and other impositions by the State lawfully recoverable from such intermediary or remitted to him by money order after deduction therefrom of the money order commission and if reply is received from the intermediary within the time specified, such amount shall be adjusted against such arrears or remitted to him according to his wishes, but if no reply is received such amount shall be remitted:

Provided, however, that where the intermediary has made an agreement in writing referred to in the proviso to sub-section (1) of section 7 such amount shall as and when recovered be adjusted against such arrears.

**6. Proclamation to make return of interest of an intermediary.**—(1) The Collector of a district shall cause a proclamation to be issued in Form No. 2 appended to these rules or in a form substantially similar thereto, requiring every intermediary having rights in any estate within the district severally to lodge at the office of such Collector within fortyfive days of the date of issue of such proclamation, a return of all interests of such intermediary comprised in such district giving the particulars specified in the reverse of the proclamation.

(2) The Collector of the district shall cause such proclamation to be published by affixing a copy thereof in some conspicuous place in the offices of such Collector and of every Sub-divisional Officer, in every Civil Court, in every police-station, in every Sub-Registry Office, in every Municipal Office, and the office of every District Board, Union Board or Panchayati Union within the district.

**7. Service of the order of the Collector under section 10(2) and form of statement referred to therein.**—(1) The order of the Collector and the statement referred to in sub-section (2) of section 10 shall be in Form No. 3 appended to these rules or in a form substantially similar thereto.

(2) The order may be served—

- (a) by delivering the same to the intermediary or to the person to whom it is directed or to the authorised agent of such intermediary or person, or on failure of such service by delivering a copy of the order to an adult member of the family of such intermediary or such person or by affixing such copy on some conspicuous part of the premises in which such intermediary or person resides or is known to have last resided; or
- (b) by affixing a copy of the order on a conspicuous part of any Kutchari of the intermediary; or
- (c) by sending by registered post to such intermediary or person at his ordinary place of residence or at the place where he may be known to reside.

**8. Inspection of documents, registers, etc., and charging of fees for taking certified copies under section 10(4).**—(1) Inspection of documents, registers, records or collection papers under sub-section (4) of section 10, shall be allowed on application to the Collector and at such time and place and under such conditions as the Collector may direct for the purpose.

(2) The fees referred to in the said sub-section for taking certified copies shall be paid in the manner and at one-fourth the rates provided in the Bengal Records Manual, 1943.

**9. Procedure for disposal of appeals under section 11(2).**—The procedure for disposal of appeals under sub-section (2) of section 11 shall be as follows:

- (a) A petition setting forth therein the grounds of appeal, which shall be signed by the appellant or his pleader, shall be presented to the Special Judge. Such petition shall be accompanied by a copy of the order appealed against.
- (b) The appellant shall not, except by leave of the Special Judge, urge or be heard in support of any ground of objection not setforth in the memorandum of appeal; but the Special Judge in deciding the appeal, shall not be confined to the grounds of objection setforth in the appeal or taken by leave of the Judge.
- (c) Where the petition is defective, the Special Judge may return the same for the purpose of being amended within a time to be fixed by him or such petition may be amended then and there.
- (d) The Special Judge may stay further proceedings in respect of recovery of fines under the order of the Collector until the disposal of the appeal on sufficient grounds being shown.
- (e) The Special Judge shall fix a date for the hearing of the appeal within six weeks of the presentation of the petition and shall cause notice thereof to be served on the Collector within ten days from the date of presentation of the petition. The appeal shall be disposed of as soon as possible.

**19A. Amount of *ad interim* payment.**—(1) Amounts of annual *ad interim* payments to be made under sub-section (1) of section 12 to intermediaries whose net approximate annual incomes from their estates or interests vesting in the State are as specified in column 1 of the table below shall be as specified in the corresponding entries in column 2 of that table:

<sup>2</sup>Provided that where the total of the *ad interim* payment so made, including any payment made under the second proviso to sub-section (1) of section 12, equals or exceeds the amount of compensation payable in cash under section 23 or falls short of such amount by less than the amount of the annual *ad interim* payment to be made under this sub-rule, further annual *ad interim* payments shall be made at the rate of 1/20th of the amount payable in bonds under the said section, or of the balance thereof, as the case may be, after deducting therefrom any amount recoverable by the State Government on account of arrears of land revenue, cesses, taxes or other impositions, together with interest thereon, or by a private creditor under the order of a Court.

*Explanation.*—For the purpose of this proviso, the amount of compensation payable in cash under section 23 and the amount of compensation payable in bonds under the said section shall be calculated on the basis that the net approximate annual income of an intermediary is his net annual income.

TABLE

1	2
Net approximate annual income	Amount of annual <i>ad interim</i> payment
Up to Rs. 250	An amount equal to the net approximate annual income
Exceeding Rs. 250 but not exceeding Rs. 500	Rs. 20
Exceeding Rs. 500 but not exceeding Rs. 1,000	50 per cent of the net approximate annual income
Exceeding Rs. 1,000 but not exceeding Rs. 1,500	Rs. 500
Exceeding Rs. 1,500	33 $\frac{1}{3}$ per cent of the net approximate annual income.

(2) The net approximate annual income referred to in sub-rule (1) shall be calculated in the manner laid down in rule 11.

1. Inserted by Notification No. 5350L. Ref., dated the 1st May, 1962.

2. Substituted by Notification No. 9621. Ref., dated the 21st January, 1966.

10. <sup>1</sup>(1) Subject to the provisions contained in the proviso to sub-section (1) of section 12, the annual *ad interim* payment other than first *ad interim* payment shall be made according to the agricultural year, and the amount payable on such account for any such year shall be paid <sup>2</sup>at any time between the commencement of such year and three months after the close of such year.

(2) Such *ad interim* payment shall be made in accordance with the Provisions of Schedule D appended to these rules.

<sup>3</sup>(5) Applications for *ad interim* payment under section 12 shall be presented to the Collector or any other officer authorised by the Collector in this behalf. Where the applicant held estates and interests situate in more than one district, the application shall be filed before the Collector of the district in which the major portion of the estates and interests were situated. The application shall contain all particulars of the estates and interest of the intermediary and shall be in Form 3A appended to these rules or in a form substantially similar thereto. Where the application is for *ad interim* payment under sub-section (2) of section 12, true copies of the Deed of Trust or Dedication or Arpanama or any other document in support of such claim shall also be furnished along with the application.

(4) <sup>4</sup>[Where there is a dispute about the right title on interest of the applicant, the Collector shall withhold the *ad interim* payment until such time as the dispute is decided by a competent court.]

(5) <sup>5</sup>[No Court-fees shall be charged upon applications for *ad interim* payment.]

1. The original rule was substituted by Notification No. 19588L. Ref., dated 4th October, 1955.

2. Inserted by Notification No. 12450L. Ref., dated 3rd June, 1958.

3. Substituted by Notification No. 14796L. Ref., dated the 11th September, 1961.

4. Sub-rule (4) was inserted by Notification No. 19588L. Ref., dated the 4th October, 1955.

5. Sub-rule (5) was inserted by Notification No. 19588L. Ref., dated the 4th October, 1955.

<sup>11</sup>(1) The net approximate annual income of an intermediary referred to in section 12 shall be calculated by taking into account—

(i) the aggregate of the rents and cesses payable to him for the previous agricultural year by his immediately subordinate tenants, but excluding the income from lands retained by him under section 6;

(ii) the income from *sairati* interests as calculated in the manner provided under sub-clause (iii) of clause (a) of sub-section (1) of section 16;

(iii) the income from forests as calculated in the manner provided under sub-clause (iv) of clause (a) of sub-section (1) of section 16:

<sup>2</sup>Provided that until the income from forests is calculated in the aforesaid manner, the State Government may fix, on an *ad hoc* basis, the rate of such income per acre of forests for each district.

(iv) the net income from mines and minerals as calculated in the manner provided under sub-section (1) of section 33 and sub-section (1) of section 34 read with rule 22;

<sup>3</sup>(v) the income from vested khas land calculated in the manner provided in rule 15 ;

and by deducting from the amounts of income referred to in <sup>4</sup>clause (i), (ii), (iii) and (v) the sums referred to in clause (b) of sub-section (1) of section 16 as far as may be.

<sup>5</sup>(2) For the purpose of sub-rule (1), the Collector may take into consideration any return furnished by an intermediary in pursuance of the proclamation issued under rule 6, or the attested record of the revisional settlement operation, where available, or the record-of-rights prepared according to the provisions of the Bengal Tenancy Act, 1885 and kept in the District Record Room. He may, if necessary, require an intermediary to produce Jamabandi, Thoka, Karcha or similar papers on such date as may be specified by him. Such papers shall not be retained by the Collector unless voluntarily made over by the intermediary.

<sup>6</sup>(3) The Collector may also require the intermediary to furnish further evidence of his total income for which returns may have been submitted by him for assessment under the Bengal Agricultural Income Tax Act, 1944, or the Indian Income Tax Act, 1922 for three years immediately preceding the date of vesting.

<sup>7</sup>(4) The net approximate annual income shall be calculated by the Collector after considering the returns and evidence referred to in sub-rules (2) and (3) and making such enquiry as he thinks fit.

1. Substituted by Notification No. 10984L. Ref., dated the 2nd July, 1960.

2. Inserted by Notification No. 11326L. Ref., dated the 19th July, 1961.
3. Inserted by Notification No. 1964L. Ref., dated 15th February, 1961.
4. The words "clauses (i), (ii), (iii) and (iv)" were substituted for "clauses (i), (ii) and (iii)" by Notification No. 1964L. Ref., dated the 15th February, 1961.
5. Substituted by Notification No. 15902L. Ref., dated 19th September, 1956.
6. Inserted by Notification No. 1404L. Ref., dated the 20th January, 1955.
7. Substituted by Notification No. 15902L. Ref., dated 19th September, 1956.

#### 12. Rules for management of estates by Collector under section 13.—

All estates and all interests of intermediaries therein which have been taken possession of by the Collector under section 10 shall be managed according to the rules for the time being in force for the management of Government Estates subject to such directions, as may, by general order or, in special circumstances, by special order, be issued from time to time by the State Government in this behalf.

### CHAPTER III

#### Assessment and payment of compensation under Chapter III of the Act

**113. Preparation of Compensation Assessment Roll referred to in sub-section 14(1).—**The Compensation Assessment Roll referred to in sub-section (1) of section 14 shall be prepared for each intermediary in Form No. 4 appended to these rules or in a form substantially similar thereto and shall contain the particulars specified therein.

1. Substituted by Notification No. 15974L. Ref., dated the 29th October, 1960.

**114. Commutation of rents in kind.—**The average value of any rent in kind which was payable by an intermediary or his immediately subordinate tenant during seven years immediately preceding the date of vesting and which has been referred to in sub-clause (i) of clause (a) and sub-clause (i) of clause (b) of sub-section (1) of section 16 shall be commuted and determined in the following manner and recorded in the record-of-rights finally published under sub-section (2) of section 44 of the Act; namely,—

- (a) where it is payable in the produce of the land, the Revenue Officer shall determine the sum after having regard to the average quantity of the produce payable to the landlord during the preceding seven years or during any shorter period for which evidence may be available as well as the average local price of the produce during such period;
- (b) where it is payable in articles other than the produce of the land, the Revenue Officer shall determine the sum equivalent to the money-value of such articles at their average market price during the preceding seven years or during any shorter period for which evidence is available.

1. Substituted by Notification No. 15974L. Ref., dated the 29th October, 1960.

**115. Manner of determining annual income of land which an intermediary shall not be entitled to retain possession of.—**For the purpose of sub-clause (ii) of clause (a) of sub-section (1) of section 16, the annual income of

any khas land which an intermediary does not retain under sub-section (1) of section 6 shall be determined in the following manner:—

- (a) Where the land belongs to a class which ordinarily yields an agricultural produce, the Compensation Officer shall, after making such inquiry as he may think fit and having taken into account the general productivity of such class of land within the local area under his jurisdiction determine the annual produce of the land on the assumption that it yields only a normal crop of paddy. He shall determine the average rate of price of paddy during a period of seven years immediately preceding the date of vesting or any shorter period for which evidence is available, after taking into consideration the publications of the rates of prices authorised by the Government and shall calculate the value of the annual produce of the land by multiplying together the annual produce and the average rate of price so determined. One-third of the value of the annual produce so calculated shall be the annual income of the land.
- (b) When the land belongs to a class which does not ordinarily yield an agricultural produce, but is capable of so yielding, the Compensation Officer shall, after making such inquiry as he may think fit, determine the annual letting value of the land in such manner as he may think fair and equitable. The annual letting value so determined shall be the annual income of the land.
- (c) When the land belongs to a class which is non-agricultural, but ordinarily yields a return the annual income of the land shall be determined in the manner as in clause (b) above.
- (d) When the land belongs to a class which does not yield any produce of return, such as road, path, river, khal, graveyard, cremation ground, mosque, temple or any other place of public worship, school, unculturable waste, unculturable marsh, unculturable bil and the like, the Compensation Officer shall determine the annual income of the land to the best of his judgment having regard to the nature of the land and its utility to the owner thereof.

1. Substituted by Notification No. 16510L. Ref., dated the 10th November, 1960.

**115A. Manner of determining land revenue, rent and cess in respect of portion of any estate or tenancy.—**(1) For the purposes of sub-clause (i) of clause (a) and sub-clause (i) of clause (b) of sub-section (1) of section 16, the land revenue rent or cess, as the case may be, payable by an intermediary or to an intermediary by his immediate subordinate tenant, during the previous agricultural year in respect of the portion, lying in any area where the Act applies, of any estate or tenancy shall be fixed—

- (i) where the amount of such land revenue, rent or cess has already been determined under any law for the time being in force, at such amount; and
- (ii) in any other case, at an amount bearing to the total revenue, rent or cess payable in respect of the entire estate or tenancy during the said

year the same proportion as the annual assets of such portion bear to the total annual assets of the entire estate or tenancy:

Provided that in cases where such assets are not readily ascertainable, the Revenue Officer may fix the land revenue, rent or cess in respect of such portion of the estate or tenancy in the same proportion of the total revenue, rent, or cess payable for the entire estate or tenancy as the area of such portion bears to the total area of the estate or tenancy.

(2) For the purposes of sub-rule (1) the Revenue Officer may call for such particulars from the intermediary as he may consider necessary.

1. Substituted by Notification No. 9796L. Ref., dated the 17th June, 1961.

**15B. Manner of determining land revenue, rent, cess, etc., in respect of lands referred to in clause (a) of sub-section (1) of section 16.**—For the purposes of sub-clauses (i), (ii) and (iii) of clause (b) of sub-section (1) of section 16, the land revenue, rent, cess, tax under the Bengal Agricultural Income-tax Act, 1944, or the Indian Income-tax Act, 1922 or expenditure for the maintenance of any irrigation or protective works payable by an intermediary in respect of his lands referred to in clause (a) of sub-section (1) of section 16 (hereafter in this rule referred to as the said lands), shall be fixed in the same proportion of the total land revenue, rent, cess, agricultural income-tax, income-tax or expenditure for the maintenance of irrigation or protective works, as the case may be, payable in respect of the entire lands of the intermediary<sup>2</sup> as,—

- (a) in the case of any such tax as aforesaid, the assessable income from the said lands bears to the assessable income from his entire lands, and
- (b) in any other case the area of the said lands bears to the area of his entire lands.

1. Inserted by Notification No. 964L. Ref., dated the 27th January, 1962.

2. Substituted by Notification No. 9876L. Ref., dated the 9th June, 1964.

**15C. Manner of determining rent in respect of tenure or holding liable to pay rent but for which no rent was assessed.**—For the purposes of sub-clause (i) of clause (a), and sub-clause (i) of clause (b) of sub-section (1) of section 16, the rent payable by a tenure-holder raiyat or under raiyat, who was liable to pay rent but was not paying any rent for the tenure or holding immediately before the date of vesting on the ground that the rent payable by him therefor was not assessed, shall be fixed as follows:

- (i) in the case of a tenure, on the basis of rent paid by tenure-holders, for lands of similar description and with similar advantages in the vicinity; and
- (ii) in the case of holding of a raiyat or an under-raiyat in accordance with the principle laid down in clause (b) of the proviso to section 52.

1. Inserted by Notification No. 1308L. Ref., dated 3rd February, 1962.

**15D. Determination of sum referred to in section 16(1)(b)(vi) in certain cases.**—In cases where the sum payable for the purposes referred to in sub-clause (vi) of clause (b) of sub-section (1) of section 16 cannot be ascertained from any instrument in writing, the average of all sums actually paid for such purposes during the years, not exceeding seven in number for which evidence is available, immediately preceding the agricultural year in which the date of vesting falls shall be deemed to be the sum payable for such purposes.

1. Inserted by Notification No. 9876L. Ref., dated the 9th June, 1964.

**16. Method of calculation of expenditure for maintenance of irrigation or protective works.**—Where an intermediary has not incurred any expenditure on account of the maintenance of any irrigation or protective works which he is bound by law or under any agreement, to maintain or has only partially maintained such works, the expenditure deductible under sub-clause (iii) of clause (b) of sub-section (1) of section 16 shall be calculated in the following manner:

- (a) where he has not incurred any such expenditure, the whole of the allowances made to such intermediary under the terms of any lease or agreement in respect of the maintenance of the works or so much thereof as the Compensation Officer considers fair and reasonable;
- (b) where he has partially maintained such works, so much of such allowances as is attributable to the works not carried out by him or so much thereof as the Compensation Officer considers fair and reasonable;
- (c) where he had prior to the period of five years preceding the date of vesting carried out irrigation and protective works in a substantial manner and the benefit thereof continued after the date of vestings, the amount of expenditure incurred by him less such fair depreciation during that period as may be determined by the Compensation Officer.

**16A. Computation of net income of an intermediary under section 16(1)(b)(iv) in marginal cases.**—In computing the net income of an intermediary under sub-clause (iv) of clause (b) of sub-section (1) of section 16, deduction to be made from the gross income as charges on account of management and collection shall be at the rate specified therein:

Provided that the amount of the gross income after deduction of the charges on account of management and collection in respect of any group of gross income shall not be less than the maximum amount so obtained in respect of the immediately preceding group of gross income.

<sup>2</sup>Illustration.—The maximum gross income of an intermediary in the second gross income group is Rs. 5,030. After deducting the charges on account of management and collection at the rate of two and a half per centum, his gross income is reduced to Rs. 4,875.

An intermediary in the third gross income group has a gross income of Rs. 5,050. After deducting the charges on account of management and collection at the rate of four per centum, his gross income is reduced to Rs. 4,848; but under the terms of this proviso, his gross income so reduced shall not be less than Rs. 4,875.

1. Inserted by Notification No. 1404L. Ref., dated the 20th January, 1955.
2. Illustration to rule 16A was substituted by Notification No. 14796L. Ref., dated the 11th September, 1961.

**17.** (1) After the Compensation Assessment Roll has been prepared, the Compensation Officer shall—

- (a) where the Compensation Assessment Roll has been prepared under sub-section (1) of section 14, publish the same by placing it for public inspection free of charge during a period of one month, and
- (b) where the Compensation Assessment Roll has been prepared under sub-section (5) of section 15, publish the same by placing it for public inspection free of charge during a period of three months.

at such a convenient place as he may determine and cause a public notice to be given to that effect, stating the place at which the draft roll will be open to inspection and the period during which it will be open to such inspection, and directing objections under clause (a) of sub-section (1) of section 15 or section 15A to be filed within one month or three months, as the case may be, of the date of publication of the Compensation Assessment Roll.

(2) Blank form of objection similar as nearly as possible to Form No. 6 appended to these rules shall be available free of charge and objections shall, as far as practicable, be made in such form. Along with the original objection, the objector shall file a copy or copies of the same with a copy or copies of notices for service on persons who are materially interested in the case and the Compensation Officer shall issue notice informing the objector and all such persons so interested of the date and place fixed for the hearing of the objection. No objection shall be disposed of without affording the parties materially interested or their representatives an opportunity of being heard:

<sup>2</sup>[Provided that in any case in which an order is made *ex parte* against a person, he may <sup>3</sup>within thirty days from the date of the order apply to the Compensation Officer <sup>4</sup>for an order to set it aside; and if he satisfies the Compensation Officer that the notice of the objection was not duly served on him, or that he was prevented by any sufficient cause from appearing when the case was called on for hearing, the Compensation Officer shall make an order setting aside the *ex parte* order as against such person and shall appoint a day for proceeding with the case:]

Provided further that where the *ex parte* order is of such a nature that it cannot be set aside as against such person only, it may be set aside as against all or any of the other persons also involved in the case].

<sup>5</sup>[(3) Where an intermediary has estates or interests in any other area or areas as referred to in the clause (b) of sub-section (1) of section 15, he shall submit to the Compensation Officer a statement in Form No. 5 appended to these rules or in a form substantially similar thereto.]

1. Substituted by Notification No. 15974L. Ref., dated the 29th October, 1960.
2. Inserted by Notification No. 18060L. Ref., dated 25th October, 1956.
3. Inserted by Notification No. 6502L. Ref., dated 9th April, 1958

4. The words "by whom the *ex parte* order was made" were omitted by Notification No. 21440L. Ref., dated 18th November, 1957.
5. Inserted by Notification No. 15974L. Ref., dated the 29th October, 1960.

**18. Final publication of the Compensation Assessment Roll.**—The Compensation Assessment Roll prepared under rule 13 shall be finally published under sub-section (1) of section 21 by the Compensation Officer by placing it for public inspection free of charge during a period of not less than one month at such convenient place as he may determine, and cause a public notice to be given to that effect <sup>1</sup>stating the place where it will be open to public inspection and the period during which it will be open to such inspection.

1. The words, "in each village to which such Roll relates" were omitted by Notification No. 14796L. Ref., dated the 11th September, 1961.

**[18A. Period for which annuity is payable to an intermediary whose interest is terminable or is liable to be exhausted.**—Where the interest of an intermediary referred to in clause (i) of sub-section (1) of section 6, which has vested in the State is terminable or is liable to be exhausted, the annuity payable as compensation to the intermediary under the proviso to sub-section (1) of section 17 shall be for the duration of the interest.]

1. Rule 18A was inserted by Notification No. 15368L. Ref., dated 18th September, 1961.

**19. Manner of payment of Compensation.**—(1) Compensation shall be paid under section 23 in accordance with the provisions of Schedule A appended to these rules.

<sup>1</sup>[(2) In the case of a minor, if there is no guardian as specified in clauses (i) to (iv) of the proviso to sub-section (3) of section 12, payment may be made to any other guardian provided he executes a bond agreeing duly to account for, and to refund to the State of West Bengal, if demanded, what he may receive as compensation (*ad interim* or final) and to indemnify the State of West Bengal against all expenses which may be incurred by the State of West Bengal in relation thereto.]

1. Sub-rule (2) of rule 19 was substituted by Notification No. 18464L. Ref., dated 28th November, 1961.

<sup>1</sup>[**19A.** The procedure for disposal of appeals under sub-section (2) of section 11 as laid down in rule 9 shall, *mutatis mutandis*, apply to appeals under sub-section (3B) of section 25.]

1. Inserted by Notification No. 13074L. Ref., dated 25th August, 1965.

## CHAPTER IV Mines and Minerals

**20. Draft of Compensation Assessment Roll.**—(1) The Compensation Assessment Roll in respect of mines and minerals referred to in sub-section (1) of section 31 shall be prepared in Form No. 7 appended to these rules.

(2) <sup>1</sup>[Before preparing a Compensation Assessment Roll, the Compensation



Officer shall issue a notification in the *Official Gazette* call upon the intermediaries having rights and interest in mines and minerals which vested in the State to submit, within Thirty days from the date of such publication or such further time as may be allowed by the Compensation Officer. A statement in Form No. 8 appended to these rules or in a form substantially similar thereto giving the Particulars and furnishing the documents set forth therein.

The Compensation Officer shall also cause public notice of the substance of such notification to be given at convenient places in the locality and in the leading local newspapers.]

(3) On receipt of the returns under sub-rule (2) the Compensation Officer shall proceed to determine the net annual income.

1. Substituted by the Notification No. 32716L. Ref/20 R-3/75, dated 31.12.75.

**21. Opinion of Mining Experts on matters relating to mines and minerals.**—For the purposes of section 32, sub-section (2) of section 33 or sub-section (2) of section 34 it shall be competent for the Mining Expert to express his opinion on any matter having a bearing on the question of fixation of compensation payable for mines and minerals as he may think fit.

**22. Computation of net income from mines and minerals under section 34(1).**—In computing the net income of an intermediary under sub-section (1) of section 34 deduction to be made from the gross income on account of cost collection shall be at the following rate, namely:

- (a) where the gross annual income is Rs. 25,000 or below, 4 per cent of such gross income ;
- (b) where the gross annual income exceeds Rs. 25,000 but does not exceed Rs. 50,000, 8 per cent of such gross income ;
- (c) where the gross annual income exceeds Rs. 50,000, 10 per cent of such gross income:

Provided that the deduction shall be subject to marginal adjustment, so that the net income of an intermediary falling within a higher income group is not reduced to an amount which is less than the amount of the net income of an intermediary falling within a lower income group.

**23. Procedure to be followed by the Mines Tribunal.**—On a reference made under section 35 to the Mining Tribunal of the question of the determination of the amount of compensation the procedure to be followed by the Tribunal shall be as follows:—

- (a) The Tribunal shall cause notice to be served on the State Government and the intermediary or such other party as may be interested in the case, fixing a date within which statement shall be filed in the office of the Tribunal as to their respective claims and shall call for the records of the case from the Compensation Officer by such date.
- (b) The Tribunal shall thereafter appoint a date, time and place for the hearing of the case and shall give notice thereof to the State Government, the intermediary and other parties interested in the case, if any.

- (c) The Tribunal may also issue such directions as may be necessary for the production and inspection of documents and the taking of evidence. Upon hearing the parties concerned and considering the evidence, if any adduced, the Tribunal shall come to a decision and shall make an order accordingly on the reference. If there is a difference of opinion between the Chairman and the other members of the Tribunal each of them shall record his opinion and the matter shall then be referred to a Judge of the High Court under sub-section (5) of section 36.

[**23A.** On a reference made under section 28 to the Mines Tribunal for settling the terms and conditions of the lease, the procedure to be followed by the Tribunal shall be as follows:

- (a) The Tribunal shall cause notice to be served on the State Government through the Chief Mining Officer, Asansol and the intermediary, fixing a date for their appearance at the place and time to be mentioned therein and directing the intermediary to furnish a plan showing the area comprised in, or as appertaining to, any mine which was being directly worked by him immediately before the date of vesting as well as any other area in his use or occupation under section 30 and to produce necessary documents and other particulars, if any, in support of his claim. The plan and other documents and particulars, if any, shall be filed in the office of the Tribunal along with a written statement by the intermediary showing the grounds of his claim. If the claim is disputed by the State Government, the latter shall also file a written statement showing the grounds of the dispute.
- (b) The Tribunal shall thereafter appoint a date, time and place for the hearing of the case and shall give notice thereof to the State Government through the Chief Mining Officer, Asansol, and to the intermediary.
- (c) The Tribunal may also issue such directions as may be necessary for the production and inspection of documents and the taking of evidence. Upon hearing the parties concerned and considering the evidence, if any adduced, the Tribunal shall come to a decision and shall make an order accordingly on the reference. If there is a difference of opinion between the Chairman and the other members of the Tribunal, each of them shall record his opinion and the matter shall then be referred to a Judge of the High Court under sub-section (5) of section 36.
- (d) If the intermediary does not appear after the notice having been duly served upon him, the Tribunal will decide the matter *ex parte*.]

1. Inserted by Notification No. 17752L. Ref., dated 8th October, 1964.

**24. Manner of payment of compensation under section 38.**—The provisions of rule 19 and of Schedule A appended to these rules shall apply for the purpose of payment of compensation under section 38.

## CHAPTER V

## Preparation of record-of-rights under Chapter V of the Act

**25. Procedure of preparing or revising a record-of-rights.**—When an order has been made under clause (a) or clause (b) of sub-section (1) of section 39 directing that a record-of-rights be prepared or revised in respect of a district or part of a district, the record-of-rights of such district or part of a district shall be prepared or revised in the manner described in Schedule B appended to these rules.

**26. Particulars to be recorded.**—When an order is made under clause (a) or clause (b) of sub-section (1) of section 39 for the preparation or revision of a record-of-rights the particulars to be recorded under sub-section (3) of the said section by the Revenue Officer in the record-of-rights <sup>1</sup>[\*\*\*\*] may include, either without or in addition to other particulars, some or all of the following, namely:—

- (a) The name of each person who is a tenant or occupant of land or who is a bargadar as described in the West Bengal Bargadars Act, 1950;
- (b) the class or classes to which each tenant belongs;
- (c) the situation and quantity of the land held by each tenant, occupant or bargadar;
- (d) the name of each tenant's or occupant's landlord;
- (e) the name of each proprietor of an estate in the notified area;
- (f) the rent and cesses payable or deemed to be payable at the time the record-of-rights is being prepared or revised;
- (g) the amount payable or deemed to be payable in respect of any rights of pasturage, forest rights, rights over fisheries and the like at the time the record of rights is being prepared or revised, the conditions and incidents appertaining to such rights and if the amount is gradually increasing, the time at which, and the increments by which, it increases;
- (h) the mode in which that rent has been fixed—whether by contract, or by order of a Court, or otherwise;
- (i) the rights and obligations of each tenant and landlord in respect of—
  - (1) the use by tenants of water for agricultural purposes, whether obtained from a river, jheel, tank or well, or any other source of supply, and
  - (2) the repair and maintenance of appliances for securing a supply of water for the cultivation of the land held by each tenant, whether or not such appliances be situated within the boundaries of such land;
- (j) the special conditions and incidents, if any, of the tenancy;
- (k) any right of way or other easement attaching to the land for which a record-of-rights is being prepared or revised;
- (l) if the land is claimed to be held rent free—whether or not rent is actu-

ally paid, and, if not paid, whether or not the occupant is entitled to hold the land without payment of rent, and if so entitled, under what authority:

Provided that, if lands are not used for purposes connected with agriculture or horticulture, it shall be sufficient to record that fact together with the prescribed particulars relating to the occupant, the landlord and the tenancy.

1. The words "shall be specified in the order, and" were omitted by Notification No. 14796L. Ref., dated 11th September, 1961.

**27. Completion of proceedings undertaken under Chapter X of the B.T. Act, 1885.**—Where before the date of commencement of the Act, any proceedings in respect of preparation of record-of-rights have been commenced under Chapter X of the Bengal Tenancy Act, 1885 and such record-of-rights has not been finally published, any further proceedings required for the completion and final publication of such record-of-rights shall be undertaken in accordance with the provisions of these rules.

**28. Omitted.**

1. Rule 28 omitted *vide* Notification No. 14796L. Ref., dated 11th September, 1961.

**128A. Determination of rent for non-agricultural tenancies liable to payment of rent.**—The Revenue Officer shall fix, in respect of any land held by a non-agricultural tenant which is assessable to rent but which is held by the non-agricultural tenant without payment of any rent on the ground that no rent has been assessed for the same, a rent determined in accordance with the principles laid down in section 42(ii):

Provided that in determining the rent, the Revenue Officer shall give to the non-agricultural tenant an opportunity of being heard and shall consider any representation that may be made with regard to the determination of the rent.]

1. Inserted *vide* Notification No. 12632L. Ref., dated 8th August, 1960.

**128B. Determination of rent of non-agricultural tenant paying rent in kind.**—(1) If any non-agricultural tenant pays rent wholly in kind or partly in kind and partly in cash, the Revenue Officer shall assess as rent an amount determined in accordance with the principle laid down in clause (ii) of section 42:

Provided that in determining the rent, the Revenue Officer shall give to the non-agricultural tenant an opportunity of being heard and shall consider any representation that may be made with regard to the determination of the rent.

(2) An appeal against any order passed by the Revenue Officer, if preferred within thirty days from the date of the order appealed against, shall lie to the Tribunal appointed under sub-section (3) of section 44:

Provided that an appeal may be admitted after the said period if the appellant satisfies the Tribunal that he had sufficient cause for not preferring the appeal within the said period.

(3) Every such appeal shall be in writing and shall be accompanied by a certified copy of the order appealed against.]

1. Inserted *vide* Notification No. 19042L. Ref., dated 11th November, 1963.

**29. Determination of rent payable by an intermediary.**—(1) In determining the rent payable by an intermediary in respect of any land which such intermediary is entitled to retain possession of under sub-section (1) of section 6, the Revenue officer shall give to such intermediary an opportunity of being heard and shall consider any representation that may be made to the proposal of the Revenue Officer. The rent so determined shall take effect from the date of vesting.

<sup>2</sup>[(2) Where non-agricultural lands are not available in the vicinity or the rent generally paid for such non-agricultural lands cannot be readily ascertained the Revenue Officer shall in determining the rent under clause (ii) of sub-section (1) of section 42, estimate the net annual income from such lands on the basis of the evidence produced by the intermediary in this behalf, or in the absence of such evidence or if such evidence is considered by him to be insufficient or unsatisfactory, on the basis of the annual income ascertained after such enquiry as he may deem fit and proper.]

1. Inserted *vide* No. 21074L, Ref., dated 18th October, 1955.
2. Inserted by Notification No. 13204L, Ref., dated 27th August, 1965.

**1**[29A. Limitation for suits and proceedings for arrears of rent.—In computing the period of limitation for the institution of any suit or proceeding for the recovery of any arrear of rent, the time taken for determination of the rent in accordance with the provisions of section 42 shall be excluded.]

1. Inserted *vide* Notification No. 4336L, Ref., dated 26th February, 1959.

**30. Publication of the draft record.**—(1) After the record-of-rights has been prepared or revised \* \* \* the Revenue Officer shall publish a draft of the record-of-rights as so prepared or revised by placing it for public inspection free of charge, during a period of one month, at such convenient place as he may determine. A public notice shall previously be published in each village, informing the landlords and tenants of the place at which the draft record of that village will be open to the public inspection, the period during which it will be open to such inspection and the last date on which objections may be filed.

(2) Objections to the draft record-of-rights shall be filed and disposed of under sub-section (1) of section 44 in the same manner as provided in sub-rule (2) of rule 17.

<sup>3</sup>[(2a) When a member of any of the Scheduled Tribes is a party to any proceedings under sub-section (1), sub-section (2a) or sub-section (3), of section 44, he shall be entitled to be represented in such proceeding by an officer authorised in this behalf by the State Government in the Tribal Welfare Department.]

(3) The Revenue Officer shall finally publish the record-of rights under sub-section (2) of section 44 in the same manner and for the same period as provided in rule 18.

1. The words "as aforesaid and all rents determined have been entered in the record-of-rights" were omitted by Notification No. 14796L, Ref., dated 11th September, 1961.
2. The words "under sections 40 and 48 of Chapter V of the Act" were omitted by Notification No. 12632L, Ref., dated 8th August, 1960.
3. Inserted *vide* Notification No. 1928L, Ref., dated the 27th January, 1959.

**1**[30A. Appeal under section 42A.—(1) Every appeal under sub-section (2) of section 42A shall lie to the Tribunal appointed under sub-section (3) of section 44.

(2) Every such appeal shall be in writing and shall be accompanied by a certified copy of the order appealed against.

(3) An appeal before the Tribunal shall be made within thirty days from the date of the passing of the order appealed against:

Provided that an appeal may be admitted after the said period if the appellant satisfies the Tribunal that he had sufficient cause for not preferring the appeal within the said period.]

1. Inserted *vide* Notification No. 16538L, Ref., dated the 6th October, 1961.

**31. Appeal under section 44.**—(1) Every appeal under sub-section (3) of section 44 shall be in writing and shall be accompanied by a certified copy of the order appealed against.

(2) An appeal before the Tribunal appointed for the purpose shall be made within one month from the date of the passing of the order appealed against, or where such Tribunal has not been appointed before the date of the order appealed against, from the date of appointment of the Tribunal:

<sup>2</sup>Provided that an appeal may be admitted after the said period when the appellant satisfies the Tribunal that he had sufficient cause for not preferring the appeal within the said period.

1. Inserted *vide* Notification No. 22332L, Ref., dated 17th November, 1955.
2. Inserted *vide* Notification No. 18060L, Ref., dated 25th October, 1956.

**1**31A. Modification of the finally published record-of-rights under section 47.—(1) The record-of-rights, finally published under sub-rule (3) of Rule 30, shall then be modified in accordance with the provisions of section 47 and paragraph 7 of Schedule B appended to these rules.

(2) Such modification shall be made by—

- (i) eliminating from the record-of-rights as finally published, all entries relating to the interests of the intermediaries which have vested in the State and the revenue or rent payable by them, and recording in their stead the State as entitled to receive the rent payable by the raiyats and the non-agricultural tenants;
- (ia) eliminating from the record-of-rights, as finally published, all entries relating to the interests of the raiyats and under-raiyats which have, since the enforcement of Chapter VI of the Act, vested in the State and the rent payable by them, and recording in their stead the 'State' as entitled to receive the rents from the persons holding under such raiyats or under-raiyats;
- (ii) recording the names of the intermediaries who have been allowed to retain lands as tenants or lessees holding directly under the State, together with the particulars of the lands they have been allowed to so retain and the rents payable therefor to the State, being rents determined under section 42 or otherwise;

- (iia) recording the names of the raiyats and under-raiyats who have been, since the enforcement of Chapter VI of the Act, allowed to retain lands as tenants or lessees holding directly under the State, together with the particular of the lands they have been allowed to so retain and the rents payable therefor to the State, being rents determined under section 42 or otherwise;
- (iii) recording in respect of each *mauza*, the particulars of the *khas* lands of the intermediaries which have vested in the state excluding the lands which such intermediaries have been allowed to retain under sub-section (1) of section 6; and
- (iia) recording in respect of each *mauza*, the particulars of the *khas* lands of the raiyats and under-raiyats which have, since the enforcement of Chapter VI of the Act, vested in the State excluding the lands that such raiyats and under-raiyats have been allowed to retain under sub-section (1) of section 9.

<sup>2</sup>(3) A series of consecutive numbers, to be borne on the revenue roll of a district, shall be assigned by the Collector in respect of the areas to which the record-of-rights relates in the following manner, that is to say, one number shall be assigned to each police-station. In assigning every such number, the Collector shall consult the officers of the Settlement Department and communicate his decision to that department for making necessary entries in the record-of-rights prepared and finally published:

Provided that in respect of lands which are occupied by the Government, or a local authority or by any other institution for a public purpose, a distinctive number shall be assigned in accordance with the provisions of section 11 of the Land Registration Act, 1876 (Bengal Act VII of 1876).

1. Substituted *vide* Notification No. 9728L. Ref., dated 30th May, 1956.
2. Inserted by Notification No. 22764L. Ref., dated the 10th December, 1959.

**32. Powers of officers appointed for preparation or revision of records-of-rights under Chapter V.**—All officers appointed for the preparation or revision of records-of-rights under Chapter V of the Act are vested with powers as provided in Schedule C appended to these rules.

**32A. Manner of disposal of disputes under sub-section (3) of section 57B.**—(1) An application for deciding any dispute referred to in clause (b) of sub-section (2) of section 57B may be presented by the applicant or his agent duly authorised by him in writing, to the Revenue Officer specially empowered by the State Government in this behalf.

(2) A fee of one rupee and fifty paise shall be paid in court fee stamps along with the application.

(3) The Revenue Officer shall fix a date for consideration of the application and after giving the parties concerned an opportunity of being heard, shall dispose of the application.

(4) In disposing of such application, the Revenue Officer shall only make a summary record of the essential facts disclosed in the hearing on which evidence

has been taken and the order is based. The order shall contain a concise statement of the dispute, the point for determination and the decisions thereon together with the reasons for the decisions.

**32B. Procedure for appeal under sub-section (4) of section 57B.**—(1) Every appeal shall be filed in the form of a memorandum duly signed and verified by the appellant and shall be accompanied by an authenticated copy of the order appealed against.

(1a) Settlement Officers, within their respective jurisdictions, shall be the prescribed authority to whom any person aggrieved by a decision of the Revenue officer under sub-section (3) of section 57B may appeal.

(2) An appeal shall be filed within one month from the date of the passing of the order appealed against:

Provided that an appeal may be admitted after the said period when the appellant satisfies the appellate authority that he had sufficient cause for not preferring the appeal within the said period.

(3) The court fee payable on the memorandum of appeal shall be such as are provided in Article 11 of Schedule II of the West Bengal Court Fees Act, 1970 (X of 1970), and shall be collected in the manner laid down in that Act.

(4) On the filing of an appeal the appellate officer shall call for the records of the case and after giving the appellant and the respondent an opportunity of being heard, shall dispose of appeal.

## CHAPTER VI

### Miscellaneous Rules

**33. Service of notice where mode not prescribed by the Act of Rules.**—Where no other mode of service of notice is provided by the Act or by these rules, service shall be effected in the manner provided for the service of summons on a defendant under the Code of Civil Procedure 1908, if the notice is addressed to one or more persons occupying or owning the same holding or tenure, as if it is addressed to a number of persons occupying or owning different holdings or tenures in the same village, the notice shall be served in the manner provided for the service of summons on a defendant under the Code of Civil Procedure, 1908, or by proclamation and beat of drum, and by posting it, in the presence of not less than two persons on some conspicuous place in the village, and also by fixing it up in the village office, if any, where the rent is actually paid. In case of uninhabited villages, the posting of the notice shall be made in the nearest inhabited village:

Provided that where the person to be served is a minor, notice shall be served on the minor by affixing a copy thereof on a conspicuous part of his residence and also on his guardian.

1. Inserted by Notification No. 12786L. Ref., dated the 8th July, 1958.

<sup>1</sup>[34. Notwithstanding anything contained in these rules, the Tribunal or the Special Judge <sup>2</sup>or a Collector, or any of the authorities mentioned in section 53 of the Act <sup>3</sup>[\*\*\*] as the case may be, shall have power, for good and sufficient reasons to enlarge the time prescribed by these rules for the performance of

any act by an aggregate period not exceeding forty-five days in so far as such enlargement of time is not inconsistent with the provisions of the Act.

1. Substituted by Notification No. 12786L. Ref., dated 8th July, 1958.
2. The words "or a Collector" were inserted by Notification No. 10352L. Ref., dated 15th June, 1964.
3. The words "or the Revenue Officer in this behalf" were omitted by Notification No. 10352L. Ref., dated 15th June, 1964.

**35. Maintenance and preservation of registers, and classification and preservation of records of appeals under sections 5A(6), 11(2), 20(1), 42A(2) and 44(3).**—(1) Appeals filed under <sup>2</sup>sub-section (6) of section 5A, sub-section (2) of section 11, <sup>2</sup>sub-section (5B) of section 25, sub-section (2) of section 42A and sub-section (3) of section 44 shall be entered in a register in Form 9 appended to these rules. A separate register shall be maintained for each of such classes of appeals.

(2) Records of appeals as specified in sub-rule (1) shall consist of two files to be styled and marked respectively File B and File C2, of which—

(i) File B shall contain—

- (a) Table of contents.
- (b) The order sheet.
- (c) The memorandum of appeal, together with any schedule annexed thereto.
- (d) The counter-petition (if any).
- (e) Memorandum of the points for decision.
- (f) Judgment or decision upon which preliminary order (if any) is founded and such order, with further directions (if any) given.
- (g) Final order.
- (h) Copy of the judgment or decision and order of the appellate authority.
- (i) Evidence, oral or documentary, as may be admitted in appeal.
- (j) Lists of documents admitted in evidence, and

(ii) File C2 shall contain all other papers.

(3) All records of appeals other than those dismissed for default or non-prosecution shall be sent to the record-room of the Collector within the third month next succeeding that in which the appeals were decided or disposed of. The original and appellate records shall be kept together in the record room of the Collector. Records of appeals which have been dismissed for default or non-prosecution shall be kept in the office of the Tribunal or Special Judge, as the case may be, and shall be destroyed after a period of one year from the date of dismissal. The registers of appeals in Form 9 shall similarly be sent to the record-room of the Collector after all cases entered therein have been decided or disposed of.

(4) The registers of all appeals and the records of appeals, other than those dismissed for default or non-prosecution, shall be preserved for the period mentioned below, namely:

	File	Period of preservation
(i) Records	(File B)	25 years,
	(File C2)	12 years,
(ii) Registers		25 years.

1. Inserted by Notification No. 14614L, Ref., dated 8th September, 1961.
2. Substituted by Notification No. 13074L. Ref., dated 25th August, 1965.

## CHAPTER VII

### Rules for payment of compensation bonds

**36. The West Bengal Estates Acquisition Compensation Bonds.**—(1) The Bonds mentioned in clause (b) of sub-section (2) of section 23 shall be in the form of transferable and negotiable bonds which shall be described as West Bengal Estates Acquisition Compensation Bonds (hereinafter referred to as 'Bonds').

(2) The Bonds shall be issued in the denominations of Rs. 50, Rs. 100, Rs. 200, Rs. 500, Rs. 1,000, Rs. 5,000, and Rs. 10,000.

1. Inserted by Notification No. 7192L. Ref., dated 24th April, 1964.

**37. Payment of interest.**—The Bonds shall carry interest at the rate of 3 per centum per annum from the date of issue. The Collector shall indicate such date in the indents to be sent to the Reserve Bank of India under rule 38. The interest accruing from the date of vesting up to the date of issue of the Bonds shall be paid in cash at the time of delivery of the Bonds to the intermediaries.

**38. Indent for Bonds.**—(1) The bonds shall be issued by the Public Debt Office, Calcutta, on a requisition by the Collector who shall, subject to these rules prepare an indent in Form 'M' and send it direct to the Public Debt Office, Calcutta, a copy thereof being forwarded to the Board of Revenue, West Bengal and the Finance Department of the Government of West Bengal.

(2) The Bonds shall be enfaced for payment of instalments (i.e., principal and interest) at such District Treasury in the State of West Bengal as may be mentioned by the Collector in his indent and shall be transmitted by the Public Debt Office to such District Treasury Officer:

Provided that the instalments on the Bonds may subsequently be made payable by the Public Debt Office at any other District Treasury or Sub-Treasury in the State of West Bengal or at the Public Debt Office, Calcutta, on receipt of request in this behalf:

Provided further that if an intermediary desires to draw instalments from a Sub-Treasury which is subordinate to the Treasury at which the Bond is enfaced, the required change of enfacement may be made by the Treasury Officer himself under advice to the Public Debt Office in terms of paragraph 43 of the Government Securities Manual (3rd Edition).

(3) The Collector shall have an indent for Bonds in Form M prepared <sup>1</sup>[in seven copies]. He shall fill in columns 1 to 8 of Part I of the Indent Form and sign and seal each copy after satisfying himself that the entries have been correctly made therein. He shall also enter in words in his own handwriting the

total value of the Bonds indented for in all the copies of the indent. He shall despatch [four copies thereof; and] to the Public Debt Office, Calcutta, [and one copy each] to the Board of Revenue (Compensation Branch) and the Finance Department. One copy shall be retained in his Office and pasted in a guard file in order of issue each page being numbered. Each copy of the indent shall bear the page numbers of the original form which it has been prepared. The name of the intermediary, his father's name and, in the case of a married woman, her husband's name, the address of the intermediary and the case number shall be verified and entered in the indent. The Collector shall exercise due care and caution to verify all the details and satisfy himself that an intermediary who has once received compensation does not get it again.

(4) The Collector shall not despatch any indent to the Public Debt Office after the 26th day of any month.

<sup>2</sup>(5) Where the intermediary dies before an indent is made for the Bonds, the Compensation Officer shall make an enquiry and determine the legal representative(s) of the deceased. If the amount involved exceeds Rs. 5,000 the Compensation Officer shall require the legal representative(s) to produce a Certificate under the Indian Succession Act, 1925 (Act 39 of 1925). If, however, the amount involved does not exceed Rs. 5,000 and a certificate under the Indian Succession Act, 1925 (Act 39 of 1925), is not produced, the Compensation Officer shall require the legal representative(s) to execute an indemnity bond. The Collector shall, on being satisfied with the report of the Compensation Officer requisition for the Bonds in the name of the legal representative(s).]

1. Substituted by Notification No. 286L. Ref., dated 6.5.1987.
2. Inserted by Notification No. 8404L. Ref., dated 15th May, 1967.

**39. Register of Indents for Bonds.**—The Collector shall maintain a register of indents in Form 'M(1)' in which all such indents shall be entered. Columns 1 to 6 of the Form shall be filled up at the time of submitting the indent and columns 7 to 12 thereof shall be filled up after the covering schedule has been received from the Treasury Officer.

**40. Covering Schedule.**—On receipt of the indents, the Public Debt Office, Calcutta, shall supply the Bonds to the Treasury Officer concerned together with a covering schedule in Form 'M(2)' in triplicate. The Public Debt Office shall at the same time send an intimation of the despatch of the Bonds to the Treasury Officer concerned separately. On receipt of the Bonds, the Treasury Officer shall verify the contents and shall then retain one copy of the covering schedule in a guard file in order of receipt and return another copy of the covering schedule immediately to the Public Debt Office, Calcutta, with an acknowledgement duly signed and sealed by him. The Treasury Officer shall send the third copy of the covering schedule to the Collector of the district. The Public Debt Office shall also forward copies of the covering schedule to the Finance Department of the Government of West Bengal and the Board of Revenue, West Bengal, for information. The Collector shall, on receipt of such schedule, enter the particulars in columns 7 to 10, and put his signature in column 11 of the Register of Indents.

**41. Deposit of Bonds.**—(1) On receipt of the Bonds, the Treasury Officer shall deposit them in the Treasury double lock and send an intimation about the receipt of the particular indent to the Collector who shall immediately inform the Compensation Officer about such receipt. If any particular indent is not supplied in full, the Collector shall take up the matter with the Public Debt Office, Calcutta, immediately.

(2) There shall be an independent half-yearly physical verification of the Bonds by the Collector himself or by a Gazetted Officer authorised by him in this behalf, who must not be connected with the Treasury. The date and result of the verification showing the number of Bonds received, the number issued to the Compensation Officer and balance in the Treasury shall be recorded by the verifying officer under his signature in the Stock and Issue Register referred to in sub-rule. A report of the verification shall be sent to the Board of Revenue, West Bengal and the Finance Department of the Government of West Bengal.

(3) The Treasury Officer shall maintain a Stock and Issue Register in Form 'M(10)' containing an account of receipts, issues and balances. The closing balance shall be struck on each day on which there is a receipt or issue and shall be signed by the Treasury Officer. This register shall be kept along with the Bonds in the double lock.

**42. Delivery of Bonds.**—(1) On receipt of an intimation from the Collector about the receipt of the Bonds, the Compensation Officer shall issue a notice asking him to take delivery of the Bonds on a specified date either in person or through his duly authorised agent. The Bonds shall be obtained from the Treasury Officer under rule 43 and before making delivery thereof, the Compensation Officer shall enter the particulars in columns 1 to 8 of the Register of Payment of Compensation in bonds to be maintained in Form 'M(16)'. The intermediary or his agent (who shall be duly identified before the Compensation Officer) shall sign or in the case of illiterate persons put his left thumb-impression in column 9 of the Register and in the compensation case record in token of receipt of the Bonds. The Compensation Officer shall sign in columns 10 and 12 (where necessary) of the Register.

(2) The Compensation Officer shall send a letter in Form 'M(11)' in a sealed cover to the Treasury Officer by name advising delivery of the Bonds which are enfaced for payment at his treasury after such Bonds are actually handed over to the intermediary.

<sup>1</sup>(3) Where the intermediary dies after the bonds have been received the Compensation Officer shall make an enquiry and determine the legal representative(s) of the deceased. If the amount involved exceeds Rs. 5,000 the Compensation Officer shall require the legal representative(s) to produce a certificate under the Indian Succession Act, 1925 (Act 39 of 1925). If, however, the amount involved does not exceed Rs. 5,000 and a certificate under the Indian Succession Act, 1925 (Act 39 of 1925), is not produced the Compensation Officer shall require the legal representative(s) to execute an indemnity bond.

Thereafter, with the approval of the Collector, the Compensation Officer shall deliver the bond to the legal representative(s) after an endorsement on the back of each bond under his signature duly bearing the date and seal in the following form, namely:—

"Please pay to Shri/Sarvashri..... being the legal representative(s) of Shri..... a deceased intermediary, as determined after proper enquiry."

Signature

Seal date.

1. Inserted by Notification No. 8404L. Ref., dated 15th May, 1967.

**43. Requisition for Bonds.**—(1) The Compensation Officer shall personally draw from the treasury the Bonds for issue on a requisition in Form 'M(4)' and shall put his signature in column 10 of the Treasury Stock and Issue Register in Form 'M(10)' in token of his receipt. Each requisition shall relate only to the Bonds to be issued on a specified date according to the notice issued. The Compensation Officer shall be personally responsible for the safe custody of the Bonds while in his possession.

(2) If the intermediary does not appear personally or through his authorised agent to take delivery of the Bonds on the date fixed, the Compensation Officer shall keep the Bonds in a sealed box in the strong room of the treasury after making an entry in column 11 of the Register of Payment of Compensation in Bonds in Form 'M(16)' and maintain a register of undelivered Bonds in Form 'M(16)'. The Compensation Officer may on application deliver the Bonds to the intermediary or his authorised agent within a period of three complete years from the date fixed for delivery. Quarterly verification of such undelivered Bonds lying with the Compensation Officer shall be made by the Collector or by a Gazetted Officer authorised by him.

**44. Covering Schedule.**—If any Bonds are not delivered within a period of three years as provided in rule 42, the Compensation Officer shall make them over to the Collector. The Collector shall then return them to the Public Debt Officer, Calcutta, for deposit together with a covering schedule in duplicate in Form 'M(7)'. The Collector at the same time shall make an entry in column 11 of the register of undelivered Bonds. One copy of the covering schedule shall be retained in the Public Debt Office and the other copy shall be returned to the Collector with an acknowledgement of receipt. On receipt of the acknowledgement the Collector shall make an entry in column 12 of the register of undelivered Bonds and shall retain the covering schedule in a guard file.

**45. Date of issue of Bonds.**—The date following the date of final publication of the Compensation Assessment Rolls shall be the date of issue of bonds which shall be mentioned in the Bonds and shall be taken as the date for payment of annual instalments. The Accountant General, West Bengal, shall, however, credit the value of Bonds to "O—Public Debt, etc." by contra debit to the head "92—Payment of Compensation etc." on the basis of the daily advices received by him from the Public Debt Office, Calcutta, during a month. The daily advice list shall be in Form 'M(5)'. The Board of Revenue shall send, by

the 10th day of the month following the month to which the statement relates, to the Accountant-General, West Bengal (through the Finance Department), a consolidated date-wise statement of Bonds issued by the Reserve Bank of India on receipt of information from the Public Debt Office during a month so that there may be correct adjustment of value of Bonds in Government accounts.

**46. Actual delivery of Bonds.**—The Compensation Officer shall furnish to the Collector by the end of every <sup>1</sup>(Quarter) a statement in Form 'M(17)' (in duplicate) showing—(i) the total number of Bonds actually delivered during the previous <sup>1</sup>(Quarter) in payment of compensation and (ii) the date of delivery of the Bonds. The Collector shall thereupon forward one of such copies to the Board of Revenue under his signature which shall be dated. The Board of Revenue shall compile a <sup>1</sup>(Quarterly) statement in duplicate for each of the districts in the same form and forward the same to the Finance Department and to the Accountant-General, West Bengal.

*Note:* The statement for each district should be sent separately to the Accountant-General, West Bengal.

1. Substituted by Notification No. 782L. Ref., 15A-3/76, dated 11th April, 1980.

**47. Deduction under Section 26.**—All arrears of land revenue and cesses and other Government dues specified in section 7 are to be deducted from the amount of compensation payable to an intermediary subject to the limit prescribed in sub-section (1) of section 26. When any deduction from the amount of compensation payable in Bonds is to be made on account of arrears of Government dues outstanding against an intermediary, the Collector shall draw up an order under section 7 for deduction of such amount and send it to the Compensation Officer. The Compensation Officer shall then deduct the amount from the amount of compensation and indent for Bonds for the balance. After the Bonds have been received from the Public Debt Office, the Compensation Officer shall deliver the same to the intermediary. He shall then prepare a voucher in Form 'M(18)' and enter therein the amount of deduction to be adjusted and send the same to the Collector. On receipt of the voucher, the Collector shall make the necessary adjustments under proper head by debiting the amount to '92—Payment of Compensation'. Before the Bonds are issued to the intermediary, the Compensation Officer shall in each case satisfy himself that the arrears of Government dues have been recovered in terms of section 7 read with section 26 of the Act.

**48. Payment of annual instalments of Bonds and the interest on them.**—(1) The Bonds shall be payable in twenty equal instalments to the intermediary on his duly authorised agent or transferee. No interest shall be payable on any amount of the instalment beyond the date on which it falls due.

(2) The annual instalments due on a Bond shall be payable on presentation of the Bond to the treasury at which the Bond is enfaced for payment. The payee concerned shall give a proper receipt for such payment in Form 'M(8)' and the particulars shall be entered in the Register of Payment of Annual Instalments of the principal and interest in Form 'M(9)'.

(3) Before making payment of any instalment to an intermediary or his duly authorised agent, or transferee, the Treasury Officer or Sub-Treasury Officer shall satisfy himself that the requirements laid down in the Government Securities Manual (Third Edition) as regards payment of interest have been fully complied with.

(4) Payment of annual instalments of the Bonds which are enfaced at the Treasury with particulars of Bonds shall be recorded in a register to be maintained in Form 'M(9A)'.

(5) The Register shall be well-bound and shall have the appropriate quality of paper with machine numbered pages and cover to enable it to be preserved for 20 years.

(6) In order to prevent erroneous payment of instalments on a Bond not enfaced for payment at the particular treasury specified in the Bond, special care should be exercised in the maintenance of the register in 'Form 'M(9A)'. When a Bond is transferred for payment to another treasury, a closing note in the page concerned showing the date up to which payment has been made shall be recorded by the Treasury Officer over his signature.

(7) A Treasury Officer or a Sub-Treasury Officer shall, while making payment of instalments on Compensation Bonds follow the general instructions contained in the Government Securities Manual for payment of instalments on Government promissory notes.

1. Substituted by Notification No. 2308L. Ref., dated, 15th February, 1965.

**49. Investment of compensation money.**—(1) If any intermediary entitled to receive compensation in respect of any interest be a person incompetent to alienate such interest, the Compensation Officer shall keep the amount of compensation payable for such interest whether in cash or in Bonds in deposit with the Collector of the district the amount of compensation payable in cash being kept in Revenue deposit and such Collector shall arrange to invest the cash and the income from the Bonds in the purchase of such Government securities or other approved securities as such Collector thinks fit and shall direct payment of the income from such investment to the intermediary who would for the time being have been entitled to hold and enjoy such interest if it had not vested in the State. The Bonds and securities shall remain so deposited until they are made over to any person or persons becoming absolutely entitled thereto. The Compensation Officer shall forward the Bonds together with the copies of the challans showing such deposits to the Collector of the district with a letter in Form 'M (12)'.

*Note :* For the purpose of this rule, the Collector shall be competent to discharge instalment vouchers in Form 'M(8)' on behalf of intermediaries who are incompetent to alienate their interests. The Collector shall sign the vouchers for the intermediaries and record thereon a certificate to the effect that the discharge has been furnished by him under this rule.

(2) On receipt of the Bonds and challans by the Collector, they shall be entered in his office in the Register in Form 'M(13)' of Bonds payable to in-

termediaries who are incompetent to alienate their interests vested in the State. Compensation payable in cash shall be kept in Revenue Deposit. The Bonds and challans shall then be kept in the double lock of the treasury where the Register 'M(13)' shall also be kept. An annual verification shall be made of the Bonds and challans by a Gazetted Officer to be selected by the Collector.

(3) The Collector of the district shall draw from the treasury the Bonds and challans for the purpose of investment, when required, on a requisition in Form 'M (14)'. He shall then draw the cash from Revenue deposit and invest the cash and income from Bonds in the purchase of Government securities or other approved securities. The Collector shall then deposit the Bonds again in the Treasury for safe custody after such investment. After the securities have been purchased, the Collector shall pass orders for payment of the interest on the securities to the intermediaries incompetent to alienate their interests. A register shall be maintained in Form 'M (15)' showing the investment of the cash and the income from Bond in securities and payment of income of securities to such incompetent intermediaries.

(4) When an application is made by an intermediary incompetent to alienate such interest for payment of compensation, such application shall be accompanied by a valid order of a Court of competent jurisdiction. Payment shall be made to him according to the orders of the Court. In cases where compensation is required to be paid under the proviso to section 24 by sale of securities, the details of the securities sold shall be noted in column 9 of the Register.

**50. Application of Public Debt Act.**—In matter not specifically provided for in these rules, the Bonds shall be governed by the Public Debt Act, 1944 and the Public Debt (Compensation Bonds) Rules, 1954.

## \*CHAPTER VIII

### Rules for Payment of Annuities

**51. Annuities.**—(1) The following classes of annuities shall be payable against the Compensation Assessment Rolls, viz.,—

- (a) Annuity payable in perpetuity under the first proviso of sub-section (1) of section 17 or sub-section (3) of section 17 ;
- (b) Annuity payable for a limited period under the first proviso to sub-section (1) of section 17 in respect of interests which are terminable or exhaustible ; and
- (c) Annuity payable under the second proviso to sub-section (1) of section 17 in respect of interests where the income consisted of rent in kind.

(2) On receipt of finally published Compensation Assessment Rolls, the Compensation Officer shall classify the annuities in the above categories and enter them in the respective register in Forms "A1/1", "A1/2", "A1/3", with corresponding Alphabetical Index therefor in Form R. The Register and the Index shall be maintained in duplicate, the duplicate copies shall be sent to the Board of Revenue.

\* Inserted by Notification No. 1940L. Ref., dated 8th February, 1966.



(3) Corresponding to the three classes of Annuity Compensation Cases, three kinds of Annuity Payment Orders shall be issued in Form O(<sup>8</sup>/<sub>1</sub>), O(<sup>8</sup>/<sub>2</sub>) and O(<sup>8</sup>/<sub>3</sub>):

- (a) Perpetual Annuity Payment Order [Form O(<sup>8</sup>/<sub>1</sub>)];
- (b) Terminable Annuity Payment Order [Form O(<sup>8</sup>/<sub>2</sub>)];
- (c) Rent-in-kind Annuity Payment Order [Form O(<sup>8</sup>/<sub>3</sub>)];

Provided that except the Rent-in-kind Annuity Payment Order no other Annuity Payment Order shall be transferable.

(4) All Annuity Payment Orders shall be issued by the Collector of the District who shall indent the same from the Board of Revenue. On receipt of the indent, blank Annuity Payment Orders of different kinds with machine numbered serial will be supplied by the Board of Revenue with a forwarding letter. A Register of supply of Annuity Payment Orders shall be maintained in the office of the Board of Revenue for each kind of Annuity Payment Order in Form 'O(1)'.

(5) In writing out an Annuity Payment Order, the Collector's Office shall strictly follow the name and other particulars as mentioned in the finally published Compensation Assessment Rolls. Before issue the Collector shall mention on the Annuity Payment Order the amount so far disbursed either under sub-section (1) or sub-section (2) of section 12 and the years for which they were so disbursed; the amount of arrear Government dues under section 7 and/or attachment, if any, with the name of the attaching court and the case number thereof. Excess payment, if any, of the ad-interim compensation and the amount recoverable under section 26 shall be recovered and how further adjustment, if necessary, shall be made, shall be noted in the Annuity Payment Order.

(6) The Collector shall on proper scrutiny seal and sign the Annuity Payment Order, after the same is written up and made ready under the personal supervision of the District Compensation Officer, and hand over the same to the annuitant or the agent appointed by him under registered or authenticated power of attorney on proper identification.

(7) Issue of all Annuity Payment Orders and payments thereon shall be noted in a register of Annuity Payment to be maintained separately for each kind of annuity in Forms O(2), O(3) and O(4), which shall be properly bound with pages machine numbered. One page of the register shall be used for one annuitant in the form of a ledger and all subsequent payments shall be noted therein. This register shall be maintained as 'A' class paper.

The details of the Annuity Payment Order issued shall be furnished by the Collector to the Accountant-General, West Bengal, and the Board of Revenue in Form O(5).

(8) The payment of annuity shall be made according to the agricultural year and the amount payable on such account for any such year shall fall due with the commencement of such year:

Provided that the State Government may pay the commuted value of the

Rent-in-kind Annuity in one or more instalments. This commuted value shall be determined by multiplying the value of the annuity by the present value of Rupee one as given in the table in Appendix A for the number of years for which the annuity remains payable.

(9) The amount of annuity payable shall be drawn by the annuitant by a bill in Form O(6). One bill form shall be used for each payee. The bill will be drawn up in the Collector's Office and entered of Perpetual/Terminable Rent-in-kind Annuity, as the case may be, and countersigned by the Collector.

An Advice List as in Form O(7) or in a form substantially similar thereto, shall be sent by name to the Treasury Officer so as to reach him sufficiently in advance of the bill. The Advice List will bear a continuous serial number for each financial year in order to enable the Treasury Officer to file them in a Guard File. On receipt of the lower portion of the Advice List Compensation Officer shall make a note of payment in columns 18, 19 and 16, respectively, of the Registers in Forms O(2), O(3) and O(4).

All payments disbursed by the Treasury shall be noted in a Register in Form O(9).

(10) Where the annuity payable is terminable but the Compensation Assessment Roll does not specifically mention the period or duration, the Collector shall before drawing up the bill for annual payment obtain, if necessary, an affidavit from the annuitant and satisfy himself about the continuance of the annuity by causing such enquiry as may be deemed necessary and record reasons therefor.

(11) In the event of the death of an annuitant in a case where the annuity is perpetual or terminable or rent-in-kind, in the absence of any other direction contained in some instrument, the lineal descendants of the deceased, as may be left by the deceased at his death, shall submit a properly stamped petition before the Collector for mutation. Such petition shall be supported by an affidavit. On such petition being filed the Collector shall start a mutation case and after obtaining such evidence and causing such enquiry, as may be deemed necessary, shall pass necessary orders. On a mutation being allowed the gist of the order shall be noted on the relevant page of the ledger. Necessary mutation shall be made in red ink on the Annuity Payment Order under Collector's seal and signature.

(12) An Annuity Payment Order shall not be replaced by the issue of a new one unless it is mutilated and torn or completely defaced.

A duplicate Annuity Payment Order shall be issued in the event of loss of the same only after the annuitant has applied for the same by a written petition supported by an affidavit after notifying the loss to the nearest Police Station. A fee of Rupee one shall be paid in court fee for the issue of such duplicate Annuity Payment Order.

(13) The payment of the annuity referred to in sub-rules (1)(b) and (1)(c) shall be debited to the head "92—Payment of Compensation to landholders, etc." Such payment in the case of the annuity referred to sub-rule (1) (a) shall be debited to the head "76—Other Miscellaneous Compensation, etc."

**FORM No. 1**  
[Rule 3(1)]  
**NOTIFICATION**

No....., dated the..... in exercise of the power conferred by sub-section (1) of section 4 of the West Bengal Estates Acquisition Act, 1953 (West Bengal Act 1 of 1954), the Governor is pleased to declare that with effect from the....., all estates and the rights of every intermediary in each estate situated in the district of/in the part of the district of....., specified in the Schedule below shall vest in the State free from all encumbrances.

**The Schedule**

[Here specify the part of the district]

By order of the Governor

.....  
(Signature)

Secy. to the Govt. of West Bengal.

**FORM No. 2**  
**Proclamation under rule 6(1)**

District of.....

It is hereby notified under rule 6(1) of the West Bengal Estates Acquisition Rules, 1954, that every intermediary is required to lodge at my office..... at (name of the place)..... by the (date)..... a return in respect of all his interests situated in..... in the Form given on the reverse showing the particulars specified therein.

.....  
(Signature)

\* To be omitted where necessary.

(Reverse)

**Form of Return**

1. Name and address of intermediary.....
2. Description of the estate/interest.....
3. Share of the intermediary in the estate/interest.....
4. Amount payable by the intermediary in respect of the estate/interest annually on account—

	Rs.
(i) land revenue or rent	—
(ii) cesses	—
Total	—

5. Particulars of the demand due to the intermediary in respect of the estate/interest of the intermediary—

- (i) (a) District
- (b) Thana
- (c) Name and Jurisdiction list No. of village
- (ii) Annual demand payable to the intermediary on account of rent and cesses—
  - (a) reference to khatian No. of the record-of-rights, if any.
  - (b) amount
  - (c) total
- (iii) Khas land of the intermediary, if any—
  - (a) reference to khatian and plot number of the record-of-rights if any
  - (b) area in acres
  - (c) description and area of land which the intermediary would like to retain under the provisions of the Act

.....  
(Signature)  
Intermediary

Address

**FORM No. 3**  
**Rule 7 (1)**  
**ORDER**

To

.....  
(Name of the intermediary/person)

.....  
(Address)

Whereas Notification No....., dated the..... under section 4 of the West Bengal Estates Acquisition Act, 1953 (West Bengal Act 1 of 1954), declaring that all estates and the rights of every intermediary in each such estate situated in..... shall vest in the State free from all encumbrances has been published at page(s)....., Part..... of the *Calcutta Gazette* of the.....

Now, therefore, for the purpose of taking, under sub-section (1) of section 10 of the said Act, the charge of the estates and interests of the intermediaries therein which have vested in the State under section 5 of the said Act—

I do hereby require you—

- \*(i) to give up possession of such estates and interests which are in your possession;
- \*(ii) to deliver all documents, registers, records and collection papers connected with the management of such estates or of such interests which are in your custody;

\*<sup>(iii)</sup> to furnish a statement in respect of such estates or such interests in the Form given on the reverse showing the particulars specified therein. by the..... day of..... 20.....

(Signature),  
Collector

\* The clauses which are not applicable in any particular case should be struck-off.

(Reverse)

### Form of Statement

1. Name and address of the intermediary.....
2. Description of the estate/interest.....
3. Share of the intermediary in the estate/interest.....
4. Amount payable by the intermediary in respect of estate/interest annually on account—
 

	Rs.
(i) land revenue or rent	—
(ii) cesses	—
Total	
5. Particulars of the demand due to the intermediary in respect of the estate/interest of the intermediary—
  - (i) (a) District
  - (b) Thana
  - (c) Name and jurisdiction list No. of village
  - (ii) Annual demand payable to the intermediary on account of rent and cesses—
    - (a) reference to khatian No. of the record-of-rights, if any
    - (b) amount
    - (c) total
  - (iii) Khas land of the intermediary, if any—
    - (a) reference to khatian and plot number of the record-of-rights, if any
    - (b) area in acres
    - (c) description and area of land which the intermediary would like to retain under the provisions of the Act

(Signature)  
Intermediary

Address :

### FORM No. 3A<sup>1</sup>

[Rule 10(3)]

#### Application for ad-interim Payment under section 12 of the Act

21. Name and address of the intermediary.....
2. Father's/Husband's name.....
3. Particulars of the estate/interest :—
  - (a) District, sub division
  - (b) Police-station and names of villages with their jurisdiction list Nos.....
24. If the applicant has estates or interests in any other district or districts, the name or names of such other district or districts, police-stations and villages with the jurisdiction list numbers.....
  - 24A. Particulars of khas land retained by the intermediary—
    - (i) District, police-station.
    - (ii) Names of mauzas with their jurisdiction list Nos.
    - (iii) Total area retained
  - 24B. Particulars of khas land vested in the State—
    - (i) District, police-station
    - (ii) Names of mauzas with their jurisdiction list Nos.
    - (iii) Total area vested
5. Names of co-sharers, if any, with their respective shares (including that of applicant)
6. Names of co-sharers, if any, with their respective B.S. (excluding the income from lands retained under section 6 or from mines or minerals), on account of :—
  - (a) (i) Rent Rs.
  - (ii) Cesses Rs.
  - (b) Sairati interest not retained under section 6—
    - (i) Hat, Bazar Rs.
    - (ii) Forests Rs.
    - (iii) Fisheries Rs.
    - (iv) Ferries Rs.
    - (v) Tolls Rs.
  - (c) Income from 'Malikana' or 'Sair Compensation' Rs.
  - 2(d) Income from vested khas land Rs.
7. Deductions—
  - (1) Land revenue or rent and cesses <sup>4</sup>including the commuted value of rent in kind payable by the intermediary during the year 1361 B.S. in respect of the interest to which the gross income relates—
    - (a) Land revenue or rent Rs.
    - (b) Cesses Rs.

- <sup>5</sup>(2) Average of all sums payable as agricultural income-tax under the Bengal Agricultural Income-tax Act, 1944 (Bengal Act IV of 1944), and income-tax under the Indian Income-tax Act, 1922 (Act XI of 1922), for 7 years ending on the 31st March 1955 or any shorter period for which evidence is available—
- (3) Average expenditure incurred, if any, on account of maintenance of any irrigation or protective works under any law or agreement during the preceding five years Rs.....
- (4) Charges on account of management and collection at the rates prescribed in section 16(l)(b)(iv) of the Act Rs.....
- <sup>6</sup>(5) Amount payable by the intermediary out of the income from his estates or interests which have vested in the State under section 5 to any person or institution exclusively for a religious or charitable purpose or both by virtue of any charge on such income created by operation of law or by a decree of any court or by any instrument in writing Rs.....
- <sup>7</sup>(6) Amount payable by the intermediary out of the income for his estate or interest vested in the State to a corporation or an institution established exclusively for religious or charitable purpose or both or to a person holding under trust, etc., exclusively for such purpose, where such estate or interest was held partly for such purpose Rs.....
8. Approximate net annual income (i.e., difference of 6 and 7) Rs.....
9. Amount of ad-interim payment asked for Rs.....

I declare that to the best of my knowledge and belief the information given by me in the above statement is correct and complete and the amounts of incomes and other particulars shown are truly stated and relate to the year mentioned.

Date :

Signature :

- In the case of an application for *ad-interim* payment referred to in sub-section (2) of section 12, the name of the person entitled to receive such *ad-interim* payment should be given and a true copy of the Deed of Trust or Dedication or *Arpanama* or any other document in support of such claim should be enclosed.
- Inserted by Notification No. 19588L. Ref., dated the 4th October, 1955.
- Inserted by Notification No. 14796L. Ref., dated 11th September, 1961.
- The words "including the commuted value of rent in kind" are inserted by Notification No. 14796L. Ref., dated 11th September, 1961.
- Substituted for cl. (2) of item 7 by Notification No. 14796L. Ref. dated 11th September, 1961.
- Inserted by Notification No. 14796L. Ref., dated 11th September, 1961.
- Inserted by Notification No. 12074L. Ref., dated 9th July, 1964.

**FORM 3B**

[Paragraph 9 (a) of Schedule A]

**Application for payment of compensation kept in deposit  
for non-appearance of the intermediary**

- (a) Name of the intermediary :

(b) Occupation :

(c) Address—

(i) Present :

(ii) Village address :

2. Father's/Husband's name :

3. Particulars of estates/interests :

(i) district,

(ii) sub-division,

(iii) thana,

(iv) name of the villages (mauza) with their respective jurisdiction list and khatian Nos.

4. (a) Amount of compensation, if any, already received:

(b) Name of the office wherefrom the same was received:

(c) Amount of ad-interim payment, if any, received No. and year of the ad-interim case, if Khatian:

I intend to receive payment of compensation—(a) personally, (b) through my constituted attorney appointed under a Registered power of attorney, (c) through a Lawyer appointed under a Vakalatnama duly executed by me; (d) by money order less money order commission.

I declare that—

(i) I am a citizen and permanent resident of India.

(ii) I am at present aged..... years and the Indian Lunacy Act, 1912, has no application in my case.

(iii) I have not received any compensation other than that mentioned against clause 4 payable under the West Bengal Estates Acquisition Act, 1953.

(iv) I was not incompetent to alienate the corpus of the aforesaid estates or interest on the date of vesting in the State of West Bengal under the West Bengal Estates Acquisition Act, 1953, nor am I so incompetent.

(v) I have no other estates or interests elsewhere except what have been mentioned in clause 3.

I declare that the above statements are true to my knowledge and I sign this verification this the.....day of  
.....at.....

(Signature of the intermediary)

Certified that the signatory Shri..... is known to me and a citizen of India who is neither a minor nor a lunatic.

.....  
(Signature)

**FORM NO. 4**

[ Rule 13 ]

**Compensation Assessment Rolls**

Name of intermediary.....

Address.....

Serial No.	Name of Mauza with J. L. No.	District	Thana	Class of interest of the intermediary and his Khatian No.
1	2	3	4	5

**6**

**Gross income of the intermediary**

Khatian No.	(i) In respect of tenanted lands.		(ii) In respect of khas lands vesting in the State.		(iii) From hats, bazars, ferries, fisheries and other sairati interest and from forests		(iv) In respect of any other interests except from mines or leases of mines and minerals		Total of (i)(b) (ii)(c) (iii)(c)			
	(a)	(b)	(a)	(b)	(a)	(b)	(a)	(b)				
(a)	Rent and cesses payable by intermediary subordinate tenants, including average value of rent in kind commuted and determined under section 16(1)(a)(i) of the West Bengal Act 1 of 1954.	Rs. P.	Khatian No.	Area	Annual income determined under section 16(1)(a)(ii) of West Bengal Act 1 of 1954.	Rs. P.	Khatian No.	Average annual income determined under section 16(1)(a)(iii) or (iv) of West Bengal Act 1 of 1954.	Rs. P.	Kind of interest	Annual income	Rs. P.

7 Deductions				8 Net income 6-7		9 Rate of compensation		10 Amount of compensation		11 Remarks	
Rs.	P.	Rs.	P.	Rs.	P.	Rs.	P.	Rs.	P.	Rs.	P.
Average of all sums payable as income-tax under Act XI of 1922 for seven years ending 31st March 1955 or any shorter period for which evidence is available.			(c)	(d)	(e)	(f)	(g)				
Average of all sums payable as agricultural income-tax under Bengal Act IV of 1944 for seven years ending on the 31st March, 1955 or any shorter period for which evidence is available.			(b)	(d)	(e)	(f)	(g)				
Expenditure on account of maintenance of irrigation or protective works.			(d)	(d)	(e)	(f)	(g)				
Charges on account of management and collection.			(e)	(d)	(e)	(f)	(g)				
Amount payable by virtue of a charge created by operation of law or court decree or written instrument by an intermediary out of the income from his estates and interests vested in the State to any person or institution exclusively for religious and charitable purpose.			(f)	(d)	(e)	(f)	(g)				
Amount payable by an intermediary out of the income of his estate or interest vested in the State to a corporation or an institution established exclusively for religious or charitable purpose or both or to a person holding under trust, etc. exclusively for such purpose, where such estate or interest was held partly for such purposes.			(ff)	(d)	(e)	(f)	(g)				
Total of (a), (b), (c), (d), (e), (f) <sup>2</sup> and (ff)			(g)	(d)	(e)	(f)	(g)				

\* N.B. — Compensation Assessment Roll shall be prepared in respect of all estates and interests of the same intermediary within the district or part of the district specified in Notification No. .... dated the ..... and the rate and amount of compensation shall be determined on the total net income in respect of all such estates and interests subject to provisions of section 25 of the West Bengal Act 1 of 1954.

1. Subs. by Notification No. 15974L. Ref., dt. 29th October, 1960.
2. Sub-column (f) was inserted by Notification No. 14796L. Ref., dt. the 11th September, 1961.
3. The word "and (ff)" are added by Notification No. 14796L. Ref., dt. the 11th September, 1961.
4. Ins. by Notification No. 12074L. Ref., dt. the 9th July, 1964.

Signature  
Compensation Officer.

**Statement to be submitted by an Intermediary**

Name of the Intermediary.....  
Address.....

1 Serial No.	2 Name of mauza with J.L. No.	3 District	4 Thana	5 Class of interest of the intermediary	6 Total area of khas land retained

7 Gross income of the intermediary			
(i)	(ii)	(iii)	(iv)
From tenanted lands.	From khas lands vesting in the State	From hats, bazars, ferries, fisheries, and other sairati interest and from forests.	From any other interests except from mines or leases of mines and minerals
Rent, cess and commuted value of rent in kind.	Area (a)	Average annual income from each	Kind of interest (a)
Rs. P.	Rs. P.	Rs. P.	Rs. P.
			Annual income (b)
			Rs. P.
			Rs. P.
			Total of (i), (ii), (b), (iii), (iv) (b)
			Rs. P.
			Rs. P.

1. Substituted by Notification No. 12746L. Ref., dated 1st November, 1961.

8 Deductions								9	10
(a)	(b)	(c)	(d)	(e)	(f)	(ff)	(g)	Net income 7-8	*Remarks
Rs.	RS.	RS.	RS.	RS.	RS.	RS.	RS.	RS.	RS.
On account of payment of rent, cess or commuted value of rent in kind.	On account of payment of agricultural income-tax during 7 years ending on 31.3.55	On account of payment of income-tax during 7 years ending on 31.3.55.	On account of expenditure for the maintenance of irrigation or protective works.	On account of management and collection charges.	On account of payment of any sum to any person or institution exclusively for religious or charitable purpose or both by virtue of any charge on the income of the intermediary or created by any instrument in writing, etc.	On account of payment of any sum payable by the intermediary out of the income of the estate or interest to a corporation or an institution established exclusively for religious or charitable purpose or both or to a person holding under a trust, etc. exclusively for such purpose where such estate or interest was held partly for such purpose.	Total of (a), (b), (c), (d), (e), (f) and (ff)		
P.	P.	P.	P.	P.	P.	P.	P.	P.	P.

Signature of the intermediary

\* Note.—Where the estates and interests were situated in more than one district, the intermediary shall mention here the name of the district from which he would receive his compensation, the district in such a case being always the one in which the major portion of his estates and interest were situated.

1. Inserted by Notification No. 12074L. Ref., dated 9th July, 1964.

**FORM NO. 6**

[Rule 17(2)]

**Objection under sub-section (1) of section 15 and under section 15A.**

Objection No. ....

Village name and No. ....

1. Name, father's name and address of objector

2. Particulars of the Compensation Assessment

Roll against which objection is made

3. Matters objected to which details of objection and relief sought.

4. Signature of objector and date

Objection No. ....

Village name and No. ....

Police-station and district. ....

**REVERSE**

Present on behalf of objector.

Grounds of decision and order.

Order in Bengali

Objection duly received and entered.  
Compensation Officer.

Correction in the Compensation Assessment Rolls under

objection according to order.

Signature of Compensation Officer in token of "tamili" and date.

Corollary corrections in Compensation Assessment Rolls.

1. Substituted by Notification No. 15974L. Ref., dated 29th October, 1960.

**FORM No. 7**

[Rule 20(1)]

**Compensation Assessment Roll in respect of Mines and Minerals**

District.....

Name of intermediary, with father's name and Address.....

1	2		3				
Serial No.	Name, description and location of the mines and minerals		Compensation under section 32				
			(a) Gross income		(b) Net income		(c) Amount of compensation
			Rs.	P.	Rs.	P.	Rs.

4						5					
Compensation under section 33						Compensation under section 34					
(a) Gross income		(b) Net income		(c) Amount of compensation		(a) Gross income		(b) Net income		(c) Amount of compensation	
Rs.	P.	Rs.	P.	Rs.	P.	Rs.	P.	Rs.	P.	Rs.	P.

6						7					
Total amount of compensation [Total of (3)(c), 4(c) and (5)(c).]						Remarks					
Rs.				P.							

.....  
Compensation Officer.

**Note—(1)** The same Compensation Assessment Roll shall cover all the mines and minerals belonging to the same intermediary specified in Notification No. ...., dated.....

**(2)** In the 'Remarks' column the details of calculation of gross income, net income and compensation shall be shown.

**FORM No. 8**

[Rule 20(2)]

**Statement of Intermediary in respect of Mines and Minerals**

(Omitted)

1. Omitted by Notification No. 32716L Ref., 120R-3/75 31st December, 1975.

**FORM No. 9**

[Rule 35(1)]

**Register of Appeals from orders in the year 20.....**

Court of the ..... of ..... at .....

Date of institution of appeal	No. of Appeal	Name of 1st Appellant	Name of 1st Respondent	Description of property or amount involved
1	2	3	4	5

Officer against whose order/ decision appeal is filed	No. and year of original application/ proceeding	Result of original application/ proceeding	Date of disposal of appeal and name of officer by whom disposed of	Result of appeal	Remarks
6	7	8	9	10	11

**Note 1.—** Number and date of the letter by which the original and appeal records are sent to the record-room of the Collector shall be entered in the 'Remarks' column.

**Note 2.—** In the case of an appeal before the High Court, the number and the result of such appeal shall be entered in the 'Remarks' column.

1. Inserted by Notification No. 14614L. Ref., dated 8th September, 1961.



\*FORM No. 'M'

[See rule 38(1)]

**Indent for West Bengal Estates Acquisition Compensation Bonds**

District.....

Indent Number..... of .....

Memo No. ...., dated.....

Forwarded to the Manager, Reserve Bank of India, Public Debt Office, Calcutta, for necessary action.

Collector,

District.....

Memo No. ...., dated.....

Copy forwarded to the Finance Department, Government of West Bengal, Calcutta.

Collector,

District.....

Memo No. ...., dated.....

Copy also forwarded to the Board of Revenue, Calcutta.

Collector,

District.....

\*Inserted by Notification No. 7192L. Ref., dated 24.4.1964

**Part I—To be filled up by the Collector**

Serial No.	Name of the Intermediary, with father's or husband's name and residence of the Intermediary	Final pay-ment case No.	Net amount of com-pensation payable in bonds	Date from which the bonds shall carry interest	Number of bonds of each denomination intended for		Total value of bonds intended for	Treasury where to be encased for payment and interest
					Denomi-nation	Number		
1	2	3	4	4(a)	5	6	7	8

**Part II—To be filled up by the Public Debt Officer.**

Serial number and denomi-nation of bonds issued.	Denomination	Total value of bonds issued	Number and date of the forwarding schedule to the Collector.	Remarks

Total value of bonds intended Rupees.....(in words and in hand of the Collector).  
Collector,

Date..... District.....

Note below the full address for despatch

(Here give the full address of the Treasury Officer to whom the consignment of bonds will be transmitted together with specific instructions for despatch.)

I hereby certify that this indent has been prepared in accordance with the rules and instructions issued for the purpose.

Station..... Collector,  
Date..... District.....

**FORM No. 'M(1)'**

*\*[See rule 39]*

**Register of Indents for West Bengal Estates Acquisition Compensation Bonds**

District.....



Number and date of indent	Name of the Intermediary with father's name, her husband's name and residence of the Intermediary	Number of bonds of each denomination indented for		Total value of bonds indented for	Signature of the Collector
		Denomination	Number		
1	2	3	4	5	6

Number and date of forwarding schedule from the Public Debt Office	Serial number of bonds supplied by the Public Debt Office, Calcutta		Total value of bonds supplied	Signature of the Collector	Remarks
	Serial No.	Denomination			
7	8	9	10	11	12

\* Substituted by Notification No. 2208L, Ref., dated 15th February, 1965.

**\*[FORM No. 'M(2)']**

*[See rule 40]*

**Schedule of West Bengal Estates Acquisition Compensation Bonds forwarded by the Public Debt Office, Calcutta**

Number and date of indent	From whom the indent was received	Name of the Intermediary in whose favour bonds are issued	Serial number of bonds of each denomination supplied by the Public Debt Office, Calcutta		Total value of bonds supplied	Remarks
			Serial No.	Denomination		

Memo No. ...., dated the .....

Forwarded (in triplicate) to the Treasury Officer of...../Secretary, Board of Revenue, West Bengal/Secretary to the Government of West Bengal, Finance Department for information.

( ) for Treasury Officer only.

Manager, Reserve Bank of India,  
Public Debt Officer, Calcutta

Memo No. ...., dated the .....

Received the bonds specified above.

Forwarded to the Manager, Reserve Bank of India, Public Debt Office, Calcutta.

Station.....

Date.....

Seal of the Treasury Officer.

Treasury Officer.

Memo No. ...., dated the .....

Forwarded to the Collector ..... for information

Treasury Officer.

\*Substituted by Notification No. 17626L, Ref., dated 6th October, 1964.

**FORM No. 'M(3)'**

[See rule (42)]

**Notice tendering payment of Compensation to the Intermediary Office of the Compensation Officer**

No. ...., dated the .....

To .....

**(Name of the Intermediary with father's name and in the case of married woman husband's name and residence)**

Whereas the net amount of compensation payable to you in bonds has been determined to be Rs. .... you are hereby directed to appear personally or through an agent duly authorised to receive the same in my office on the .....20..... between the hours 10-30 a.m. and 4-30 p.m.

You are requested to take notice that in default of your appearance on the said date, the bonds will be deposited in the treasury and thereafter the same can be received by you only on an application within a period of three years from said date.

You are also requested to take notice that if the delivery of the bonds is not taken by you before the expiration of three years from the said date, the bonds shall be returned to the Public Debt Officer, Calcutta.

Given under my hand and the seal of my office, this day the .....

Seal of the Office

Compensation Officer.

**FORM No. 'M(4)'**

[See rule 43]

**Requisition for the bonds on.....Treasury**

No. ....

To

The Treasury Officer .....

Dated the.....20.....

The undermentioned West Bengal Estates Acquisition Compensation Bonds may kindly be issued to me on the..... 20.....for delivery to the Intermediaries concerned.

Compensation Officer.

Station.....

Date.....

**Particulars of bonds requisitioned**

Name and address of the Intermediary with final payment case number	Description of bonds		Total value of the bonds requisitioned	Remarks
	Serial number	Denomination		
1	2	3	4	5
		Rs.	Rs.	

Issue the bonds specified in the above requisition.

Treasury Officer.

Date.....

Received the bonds specified above.

Compensation Officer.

Date.....

## FORM No. 'M(5)'

[See rule 45]

## Daily advice list of issue of bonds by the Public Debt Office

Indent number and date	Name of District	Date following the date of final publication of the Compensation Assessment Rolls	Date on which bonds are actually issued by the Public Debt Office	Number and denomination of bonds issued					Total No. of bonds issued (Cols.5 to 11)	Total amount covered by the bonds issued	Remarks		
				Rs. 10,000	Rs. 5,000	Rs. 1,000	Rs. 500	Rs. 200				Rs. 100	Rs. 50
1	2	3	4	5	6	7	8	9	10	11	12	13	14

Reserve Bank of India,  
Public Debt Office,  
Calcutta

To  
The Secretary, Board of Revenue, West Bengal  
Finance Department, W.B.  
Writer's Buildings, Calcutta-1.  
P. Manager

## FORM No. 'M(6)'

[See rule 43(2)]

## Register of undelivered bonds

District.....

Serial No.	Date of receipt from the Treasury	Compensation case number with year	Name of intermediary with father's name or husband's name and residence	Serial number of bonds of each denomination		Total value of bonds.	Date of delivery of bonds to the compensation-holder or his duly authorised agent by the C.O.
				Serial No.	Denomination		
1	2	3	4	5	6	7	8

Signature of the intermediary or his duly authorised agent in token of receipt	Signature of the C.O. with date	In case bonds are not delivered within three years, number and date of the schedule forwarding the bonds to the Public Debt Officer, Calcutta	No. and date of acknowledgment from the Public Debt Office, Calcutta	Signature of the Collector with date	Remarks
9	10	11	12	13	14

**FORM No. 'M(7)'**

[See rule 44]

**Schedule of undelivered bonds forwarded by the Collector to the Public Debt Office, Calcutta, for deposit**

No. ....

From : The Collector of

To : The Manager, Reserve Bank of India, Public Debt Office, Calcutta

Dated the ..... 20.....

Sir,

The undermentioned undelivered West Bengal Estates Acquisition Compensation Bonds are returned herewith for deposit.

Please acknowledge receipt.

Yours faithfully,  
Collector

**Particulars of bonds returned to the Public Debt Office, Calcutta**

Number and date of forwarding schedule with which the bonds were supplied by the Public Debt Office	Name of the intermediary in whose favour the bonds were issued	Serial number of bonds of each denomination returned		Total value of bonds returned	Brief reason for return
		Serial No.	Denomination		
1	2	3	4 Rs.	5 Rs.	6

Memo....., dated the.....20.....

Received the bonds specified above and returned by the Collector of.....

Manager, Reserve Bank of India,  
Public Debt Office, Calcutta

**FORM No. 'M(8)'**

[See rule 48(2)]

**Receipt for annual instalment of the principal with interest on West Bengal Estates Acquisition Compensation Bonds**  
Received from the Government Treasury at.....the annual instalment of the principal with interest due on the West Bengal Estates Acquisition Compensation Bonds, as noted below—

No. of bond	Amount of each bond	Amount of yearly instalment		Number of yearly instalment(s) due	Total amount due		Date up to which instalment is due	Name and address of the holder of the bond
		Principal	Interest		Principal	Interest		
1	2	3	4	5	6	7	8	9

Rs. P. Deduct Income-tax at ..... 1 per cent.  
Surcharge.....  
Net amount payable.....  
Total .....

Rs. P. Total received (in words).....  
Signature.....  
(State whether holder or holder's attorney or administrator.)  
Date.....

**FOR USE IN TREASURY**

Treasury voucher No. and date	Classification of charges on account of		Total
	Principal under head "O-Public Debt, etc."	Interest under head "16-Interest on Debt and other Obligations, etc."	
1	2	3	4

Pay Rs. .... (in figures as well as in words) only as specified above.  
Treasury Officer.....  
Treasury.....

1. Substituted by Notification No. 2308L. Ref., dated the 15th February, 1965.

## FORM No. 'M(9)'

[See rule 48(2)]

## Register of payment of annual instalments of principal and interest on West Bengal Estates Acquisition Compensation Bonds

Payable.....	Treasury.....				District.....	
Date	No. of voucher	Name of Bond holder	No. of Bond	Amount of Bond	Date up to which instalment stands last paid	No. of years for which instalment paid
1	2	3	4	5	6	7

Particulars of payment				Daily total of net payments	Treasury Officer's signature	
Principal	Interest	Total	Net amount paid (Cols. 10-11)			
8	9	10	11	12	13	14

Note—From this register will be copied a schedule under each of the head, viz. 1 (for the interest) and these schedules together with vouchers should accompany the monthly list of payments submitted to the Accountant-General.

1. Heads of Account (now in force) may please be specified.

## \*FORM No. 'M(9A)'

[See rule 48(4)]

## Register of payment of annual instalments of principal and interest on West Bengal Estates Acquisition Compensation Bonds

Payable at .....	Treasury.....				District.....	
Serial No.	No. and date of encasement advice from the Public Debt Office	Distinguishing number of the Bond	Value of Bond	Amount of annual instalment of principal	Date up to which instalment was last paid	Treasury Officer's initials
1	2	3	4	5	6	7
Particulars of payment ending date and actual date of payment		No. and date of Income-tax Exemption/Abatement certificate if any recorded	Treasury Officer's initials	No. and date of Public Debt Office advice of cancellation of encasement	Treasury Officer's initials	Remarks
8	9	10	11	12	13	
1st instalment	2nd instalment	3rd instalment	Etc.20 columns			

Note—(1) The entries in column 8 should be attested by the dated initials of Treasury Officer. When instalment vouchers are passed by the Treasury Officer before the due date in terms of paragraph 42 of the Government Securities Manual (3rd Edition) the pay order and the entry in column 8 should be dated with due date and not with the date on which the payment order may actually happen to be passed. In such cases the payment order should not, however, be delivered to the party before the due date.

Note—(2) As the dates of payment of instalments will be different, year ending date and date of actual payment should be noted against each bond in column 8.

**FORM No. 'M(10)'**

[See rule 41(3).]

**Stock and Issue Register of West Bengal Estates Acquisition Compensation Bonds**

Date	Opening Balance		Receipts		Total		Issues		Signature of Compensation Officer in token of receipt	Closing Balance	
	No. of bonds	Amount	No. of bonds	Amount	No. of bonds (Cols.2 plus 4)	Amount (Cols.3 plus 5)	No. of bonds	Amount		No. of bonds (Col. 6 minus Col. 8)	Amount (Col. 7 minus Col. 9)
1	2	3	4	5	6	7	8	9	10	11	12
		Rs.		Rs.		Rs.		Rs.			Rs.

**Details of Closing Balance**

Denomination of bonds.

Denomination of bonds.	Numbers	Numbers
1	2	3
Rs. 50	.....	Rs. ....
Rs. 100	.....	.....
Rs. 200	.....	.....
Rs. 500	.....	.....
Rs. 1,000	.....	.....
Rs. 5,000	.....	.....
Rs. 10,000	.....	.....

Total Closing Balance

1. Substituted by Notification No. 2308L, Ref., dated 15th February, 1965.

Signature of Treasury Officer.

**FORM No. 'M(11)'**

[See rule 42(2)]

**Letter to the Treasury Officer intimating delivery of bonds to intermediaries**

No. ....

From The Compensation Officer .....  
 To The Treasury Officer, .....  
 Sir, .....  
 Dated the .....20.....

The following West Bengal Estates Acquisition Compensation Bonds which are enforced for payment at your Treasury or at the Sub-Treasury subordinate to your Treasury, have been delivered by me to the Intermediary as detailed in the attached lists on the dates mentioned therein.

2. An acknowledgement of receipt is requested.

Yours faithfully,  
 Compensation Officer.

**List of bonds delivered to the Intermediary**

Name of Intermediary	Serial No. of bonds delivered	Total amount of bonds	Treasury at which payable	Amount of annual instalment (Principal) and interest	Date from which the bonds carry interest
1	2	3	4	5	6

**FORM No. 'M(12)'**

[See rule 49(1)]

**Letter from Compensation Officer forwarding bonds and challans in respect of a compensation payable to intermediaries incompetent to alienate**

No.....  
 From The Compensation Officer.....  
 To The Collector, District.....

Sir,  
 Dated the .....20.....

As required under section 24, I am to forward for necessary action the following bonds and challans in respect of compensation payable to persons incompetent to alienate as detailed in the attached list. Specimen signature/left thumb impression of each of such persons are given in column 8 of the list for purposes of identification at the time of payment.

2. The duplicate copy of the list may be forwarded to the Treasury Officer for record.
3. An acknowledgement of receipt is requested.

Yours faithfully  
 Compensation Officer.

**List of bonds and challans forwarded for deposit**

Name of the person incompetent to alienate with full address	Serial No. of bonds forwarded for deposit in his/her behalf	Total amount covered by the bonds	Date of issue of bonds	Challans with which cash compensation is kept in revenue deposit in his/her behalf		Specimen signature/left thumb impression of the recipient (person incompetent to alienate)
				No.	Amount	
1	2	3	4	5	7	8

**FORM No. 'M(13)'**

[See rule 49(2)]

**Register of bonds and cash payable to intermediaries incompetent to alienate the interest vested in the State**

Name of the person incompetent to alienate with full address	Serial No. of bonds kept in deposit in his/her behalf	Total amount covered by the bonds	Date from which the bonds carry interest	Challans with which cash compensation kept in revenue deposit		Letter No. and date forwarding the bonds and challans	Securities purchased with date	Initials of the Collector/Treasury Officer	Remarks
				Number	Amount				
1	2	3	4	5	7	8	9	10	11

District.....



**FORM No. 'M(14)'**

[See rule 49(3)]

**Requisition for bonds and for challans in respect of compensation payable to intermediaries incompetent to alienate the interests vested in the State**

To  
 The Treasury Officer.....  
 The undermentioned West Bengal Estates Acquisition Bonds and Challans with securities may kindly be issued to me on the .....20.....for purchase of securities for the intermediaries incompetent to alienate.  
 Station .....  
 Date.....  
 No. ....Dated.....20.....  
 Collector.

**Particulars of bonds and challans and securities**

Name of limited owner	Particulars of bond		Total value of bonds requisitioned	Particulars of challans			Details of securities purchased	Remarks
	Serial No.	Denomination		Number	Date	Amount		
1	2	3	4	5	6	7	8	9

issued the bonds and challans with securities in the above requisition.

Received the bonds and challans with securities specified above.

.....  
 Treasury Officer.  
 Date.....  
 Collector.  
 Date.....

**FORM No. 'M(15)'**

[See rule 49(3)]

**Register of bonds and challans with securities purchased for the intermediaries incompetent to alienate**

Name and address of the intermediary incompetent to alienate his interest	Particulars of bond		Total value of bonds requisitioned	Particulars of challans			Details of securities purchased	Details of securities sold in case of legal necessity	Details of remaining securities	Remarks
	Serial No.	Denomination		Number	Date	Amount				
1	2	3	4	5	6	7	8	9	10	11

**FORM No. 'M(16)'**

[See rule 42]

**Register of payment of Compensation in Bonds**

District Serial No.	Name of the intermediary with father's or husband's name and residence	Compensation case number with year	Net amount of compensation payable in bond	Serial number of bonds of each denomination issued to the intermediary as per Col. 4.		Total value of bonds issued	Date of delivery of bonds to the intermediary	Signature of intermediary or his duly authorised agent in token of receipt	Signature of the Compensation Officer with date	In case of non-delivery the date of deposit in Treasury in sealed box	Signature of the Compensation Officer	Remarks
				Serial No.	Denomination							
1		3	4	5	6	7	8	9	10	11	12	13

**FORM No. 'M(17)'**

[See rule 46]

**(Quarterly) statement of bonds issued in payment of compensation under the West Bengal Estates Acquisition Act, 1953, for the (quarterly) ending .....**

District .....

*Date of delivery of the bonds	Number and denomination of bonds issued						Total number of bonds issued (cols. 2 to 8)	Total amount covered by the bonds issued	Remarks	
	Rs. 10,000	Rs. 5,000	Rs. 1,000	Rs. 500	Rs. 200	Rs. 100				Rs. 50
1	2	3	4	5	6	7	8	9	10	11

\*There should be separate entry relating to each day's transactions during the (quarterly) under report and a total of columns 2 to 10 struck for the entire transaction of the (quarterly):

1. Substituted by Notification No. 782L. Ref., 15A-376 dated 11th April, 1980.

## FORM No. 'M(18)'

[See rule 47]

## Voucher for adjustment of arrears

Voucher No. ....	Voucher No. ....
Name and address of the intermediary with father's or husband's name	Head of Account chargeable:
Adjustment made from Compensation money	Serial No. .... of list of payment.....
Mauza with Police-station District Rs. P.	Received this day the sum of Rs. P. being the amount recoverable from the compensation in respect of the following estates and adjusted by transfer credit the Head as hereinafter detailed.
J.L.No. Serial No. of Register Cl	Name and address of the intermediary with father's or husband's name Police-station District
Amount payable 1	Serial No. in Register Cl
by transfer credit 2	1
on account of— 3	2
4	3
5	4
6	Head of Account Amount
Total	
Compensation Officer. Date	Approved for Rs. .... Date
Pay by transfer credit Rupees..... (in words)	Compensation Officer Date
As follows:	Received Voucher
Head of Account	Signature of Collector
Amount	Date
Treasury Officer/Sub-Treasury Officer	
Date	

## SCHEDULE A

[Rule 19 (1)]

(1) After a Compensation Assessment Roll is finally published under section 21, it shall be sent to such Compensation Officer as may be authorised by Government to make payment.

<sup>1</sup>(2) The Compensation Officer to whom the Roll is made over shall at once start a case with appropriate number and other particulars entered in the order-sheet and then enter it in a register kept in Form A which shall be maintained with alphabetical index. He shall split up the total compensation into cash and bond under section 23 and issue notice in Form H-1, or in a form substantially similar thereto, to the intermediary to receive payment of compensation together with interest on such compensation accruing<sup>2</sup> from the date of vesting to the date of final publication of the Compensation Assessment Roll.

<sup>3</sup>In such notice, it shall be clearly stated that the payment is subject to deductions under sections 7, 12 and 26. Before payment is made under section 23, the intermediary shall also be required to submit within a specified date:

- (a) a verified statement as to the following particulars, namely:—
- whether he had received any payment on account of compensation including *ad interim* or special payment, and if so, the details;
  - particulars of his estates or interests vested in the State including the names of the district, police-station and mauza with its number in the jurisdiction list in which such estates or interests lie;
- (b) a signed declaration that he has no other estates or interests elsewhere except what have been mentioned in the statement under clause (a); and
- (c) a signed declaration that he is or is not a permanent resident of the Indian Union and is not (i) a minor, (ii) incompetent under the Indian Lunacy Act, 1912 (4 of 1912), and (iii) incompetent to alienate the corpus of the estates or interests.

<sup>4</sup>(2A) The notice referred to in paragraph (2) shall be served in the manner provided in sub-rule (2) of rule 7.

(3) The Compensation Officer shall obtain a copy of the order of the Collector under section 7 and also ascertain the payments, if any, made under section 12 of the Act. The recoveries under section 7 shall be adjusted in the manner laid down in section 26 and the payments under section 12 shall be deducted and adjusted in the manner laid down in sub-section (1) of section

1. Substituted by Notification No. 6878L. Ref., dated the 26th April, 1963.

2. Substituted by Notification No. 11750L. Ref., dated 4th July, 1964.

3. Substituted by Notification No. 1416L. Ref., dated the 27th January, 1965.

4. Inserted by Notification No. 8402L. Ref., dated the 9th July, 1962.

12. All calculations and deductions shall be entered in Form K and this calculation sheet shall form part of the case record. All attachment orders received shall be entered in Form B. Steps taken in satisfaction of the attachment order shall be intimated to the attaching Court. Payment of compensation shall be made after making the adjustments and deductions as aforesaid.

(4) For payment of compensation, the officers named below are each empowered subject to the second proviso to paragraph (5) to draw bills up to the amount mentioned against them in each case:

<sup>1</sup>Collector—Without limit.

District Compensation Officers<sup>2</sup> and Additional District Compensation Officers—Rs. 5,000.

Subdivisional Compensation Officers—Rs. 2,000.

<sup>3</sup>Information regarding final payment made shall be sent to the Accountant-General, West Bengal, and to the Board of Revenue in Form C-1 appended to this Schedule or in a form substantially similar thereto.

(5) The amount of compensation payable in cash shall be drawn from the Treasury by the payee by a bill in Form D-1. One bill form shall be used for each payee. The bill shall be drawn up in the office of the Compensation Officer and after his countersignature it shall be handed over to the payee or to his agent appointed by him by a registered or authenticated power of attorney.

<sup>4</sup>Where payment is made to an intermediary himself, he shall be duly identified and the name of the identifier recorded.

The payment may also be made by postal money order at the written request of the payee subject to the condition that the money order charges shall be borne by him and met by deduction of the amount of such charge from the amount payable:

Provided that in the case of a minor, the provisions of rule 19(3) shall apply:

Provided further that where the intermediary is reported to be dead and payment is claimed by his heir or heirs, the payment may be made to such heir, or where there are more heirs than one, to such heirs either jointly or severally in proportion to their respective shares, if the amount of compensation involved inclusive of interest and excluding deductions to be made, if any, under sections 7, 12 and 26—

<sup>5</sup>(a) (does not exceed Rs. 500) on the basis of a certificate given by the local Member of the State Legislative Assembly or Anchal Pradhan or Chairman/Vice-Chairman/Commissioner of the Municipality or by a Government Gazetted Officer that the claimant or claimants is or are the sole heir or heirs of the deceased intermediary;

1. Substituted by Notification No. 6266L, dated 5th May, 1965.

2. The words "and Additional District Compensation Officers" were added by Notification No. 7352L. Ref., dated 4th May, 1963.

3. Substituted by Notification No. 7952L. Ref., dated 4th May, 1963.

4. Omitted by Notification No. 780L Ref., 16M-146/79, dated 11th April, 1980.

5. Substituted by Notification No. 780L. Ref., 16M-146/79, dated 11th April, 1980 for the words "does not exceed Rs.100"

<sup>1</sup>(b) .....

(c) exceeds Rs. 500 but does not exceed Rs. 5,000, on the basis of <sup>2</sup>"an affidavit" sworn by such heir or heirs if the statements made therein are found to be correct on local enquiry, but not before such heir or heirs executes or execute an indemnity bond to the extent of the amount of compensation involved and, where the amount involved <sup>3</sup>does not exceed Rs. 2,000, approval of the District Compensation Officer, or where the amount exceeds Rs. 2,000, approval of the Collector has been obtained;

(d) exceeds Rs. 5,000, on production of a certificate under the Indian Succession Act, 1925 (39 of 1925).

(6) The bill in Form D-1 shall be entered in register E-1 before payment. A receipt from the payee or his legally authorised agent shall be taken on the register as well as on the case record. An Advice List as in Form F-1 shall be sent to the Treasury Officer by name in a sealed cover so as to reach him sufficiently in advance of the bill. The Advice List shall bear a continuous serial number for each financial year and shall be filed in the guard file by the Treasury Officer. On receipt of the lower portion of the Advice List, the Compensation Officer shall make a note of the payment in column 9 of register E-1. The Compensation Officer shall maintain an account in register G-1 of the payment made to an intermediary with an alphabetical index.

<sup>4</sup>In the case of non-delivery of a postal money order remitting the amount of compensation to the payee, an account of the money order and the reasons for such non-delivery shall be entered in the register in Form I-1.

All payment noted in register E-1 shall be verified and certified by the Treasury Officer once a week with reference to register O to be maintained in the treasury.

(7) A register of allotment made and expenditure incurred during the financial year shall be maintained in Form N.

(8) Compensation dues in respect of any interest or portion of any interest referred to in the proviso to sub-section (1) of section 17 as well as compensation due to an intermediary incompetent to alienate his interest shall be deposited by the Compensation Officer with the Collector as required under sub-section (3) of section 23 and section 24 respectively. As soon as this has been done, the Compensation Officer shall intimate the fact to the trustees or the persons entitled to the management of the interest in question or to the intermediary concerned, as the case may be.

1. Omitted by Notification No. 780L Ref./6M-176/79, dated 11th April, 1980.

2. Substituted by *ibid*.

3. Substituted by Notification No. 1236L Ref., 20R-1/80-9th June, 1980.

4. Inserted by Notification No. 9194L. Ref., dated the 6th June, 1963.



**FORM No. A1/1**

[See sub-rule (2) of rule 51]

**Register of Annuity Compensation Case—Perpetual Annuity**  
(To be maintained Districtwise with Alphabetical Index in Form R)

District.....

Serial No.	Name of the Settlement Camp where the Roll was prepared	Date of receipt of the Roll in Collector's Office	Name of the Annuity holder with father's/ husband's name (In case of a Deity, Wakt, Trust, Institution being the Annuity holder mention the name of the Deity, Wakt, Trust, Institution and the names of all Shebais, Mutwallis, etc.)	Address

Amount of Annuity assessed on the Roll	Annuity case No. with year thereof	In case where the Annuity holder had interests in more than one district, the names of such districts	Annuity Payment Order No. with the date of issue	Folio No. on the Annuity Payment Register (mention Vol. No. also if there are more than one volume)	Remarks (Mutation before issue of Annuity Payment Order shall invariably be noted)

1. Inserted by Notification No. 1940L. Ref. dated the 8th February, 1966.

**FORM No. A1/2**

[See sub-rule (2) of rule 51]

**Register of Annuity Compensation Case—Terminable Annuity**  
(To be maintained Districtwise with Alphabetical Index in Form R)

District.....

Serial No.	Name of the Settlement Camp where the Roll was prepared	Date of receipt of the Roll in Collector's Office	Name of the Annuity holder with father's/ husband's name (In case of a Deity, Wakt, Trust, Institution being the Annuity holder mention the name of the Deity, Wakt, Trust, Institution and the names of all Shebais, Mutwallis, etc.)	Address

Amount of Annuity assessed on the Roll	Annuity case No. with year thereof	In case where the Annuity holder had interests in more than one district, the names of such districts	Annuity Payment Order No. with the date of issue	Folio No. on the Annuity Payment Register (mention Vol. No. also if there are more than one volume)	Remarks (Mutation before issue of Annuity Payment Order shall invariably be noted)

1. Inserted by Notification No. 1940L. Ref. dated the 8th February, 1966.



## FORM No. C/1

[Paragraph 6 of Schedule A]

## Register of final payments \*made during the fortnight ending.....

Serial No.	Final payment Case No.	Name of ex-intermediary, with father's/husband's name	Address	Net annual income	Total compensation payable		Deductions on account of ad-interim and special payments already made	Deduction on account of arrear Government dues under section 7	Net amount paid in cash	Signature of Compensation Officer with date	For use in Audit Office	
					Cash	Bond					T.V. No. and date	Initial of Accountant where necessary
1	2	3	4	5			7	8	9	10	11	12

Subdivision.....

Memo No.

dated

Forwarded to the Accountant-General, West Bengal Board of Revenue, West Bengal.

Compensation Officer.

\* The word "made" substituted by Notification No. 7352L. Ref., dated 4th May, 1963.

## FORM D/1

(Paragraph 5 of Schedule A)

## Bill for making final payment to an intermediary under section 23 of the West Bengal Estates Acquisition Act, 1953

Bill No. .... dated..... 20.....

Bill for final payment from 1st Baisakh 1362/1363 B.S.

Heads of Accounts— Treasury Voucher No. of  
Major Head List of payments

Minor Head

District:

Sub-head for.....20.....

Item	Date of order with the name and designation of Officer passing the order	Final payment case No. with year	Reference to item number in the		Name of payee	Amount of final payment in figures (vide details given on the reverse)	Remarks
			List of final payments (Form C) for the fortnight ending	Advice list bearing number and date			
1	2	3	4(a)	4(b)	5	6	7
						Rs. P.	

(Total in words)

Received contents.

Please pay to.....Signature/thumb impression of the payee with date.  
(Whose specimen Signature is given below).

Countersigned for..... Rs. ....

(in words)

20 P. receipt stamp for sums exceeding Rs.20

Signature of the payee with date

Please pay to.....whose signature or thumb impression as given above has been obtained in my presence

(Dated signature of the Agent)

Compensation Officer.

Dated.....District.....







**FORM No. H/11**  
(Paragraph 2 of Schedule A)  
(This notice must be in Bengali)

To  
Compensation in respect of the interests held by you which have vested in the State under the West Bengal Estates Acquisition Act has been assessed at Rs. .... Of this amount Rs. .... is payable in cash and Rs. .... in bonds together with interest at the rate of three per centum per annum of such compensation accruing from the date of vesting to .....<sup>1</sup>(the date of final publication of the Compensation Assessment Roll).

Payment of the amount as aforesaid is, however, subject to adjustment and deductions under sections 7, 12 and 26 of the Estates Acquisition Act.

You are hereby requested to appear on ..... personally or through a duly authorised agent to receive payment of the amount of cash compensation and interest that becomes payable after adjustment and deductions as stated above. You are also requested to notify whether you desire to receive payment through money order after deducting the money order commission from the compensation money.

Before payment is made, you are also required to submit a verified statement on the following—

(1) whether any *ad interim* or special payment has been received by you in respect of any notified area, if so, the details thereof.

(2) that you are not (a) minor, (b) that you are not incompetent under the Indian Lunacy Act, 1912 (4 of 1912), and (c) that you are not incompetent to alienate the corpus of the estate.

Date.....

Compensation Officer.  
.....District.

1. Substituted by Notification No. 22L. Ref., dated 2nd January, 1964.

**FORM No. II/1**  
(Paragraph 6 of Schedule A)

Serial No.	Name of the intermediary with father's/husband's name and address	Case number	Sanctioned amount	Bill number with date	Amount remitted after deducting money order commission	Reasons for non-delivery of the money order	Number of the challan under which the amount is deposited and the date of deposit	Signature of the Dealing Assistant	Signature of the Accountant	Signature of the Officer
1		3	4	5	6	7	8	9	10	11

1. Inserted by Notification No. 9194L. Ref., dated 6th June, 1963.



**FORM No. N**  
(Paragraph 7 of Schedule A)  
**Allotment Register**

Date and No. of Bill	Number and date of bond	Name and address of the payee	Amount			Total allotment	Expenditure up to date
			By Bill	By Bond	By adjustment		

Balance at hand T. V. No. and date under which encashed Initial of Compensation Officer.

**FORM No. O**  
(Paragraph 6 of Schedule A)  
**Register of final payment orders on..... Treasury District.....**

Final payment case number with year	Name of intermediary	Amount of final payment	Number and date of the bill	Treasury Voucher number and date of payment	Remarks
1	2	3	4	5	6

**\*FORM No. O (1)**  
**BOARD OF REVENUE, WEST BENGAL**  
**Register of Supply of Annuity Payment Orders**  
[See sub-rule (4) of rule 51]

Perpetual  
Terminable  
Rent-in-kind

Serial No.	Name of Indenting District	No. and date of the Incident	Name of the Annuity holder with father's /husband's name	Address	Annuity order number	Date and number of Forwarding Schedule under which the supply is made	Remarks
1	2	3	4	5	6	7	8

\*Inserted by Notification No. 1940L. Ref., dated 8th February, 1966.

## FORM No. O(2)

[See sub-rule (7) of rule 51]

## Register of Perpetual Annuities

Serial No.	Final Payment case No. and C.A. Roll No.	Category of case, viz., whether coming under the first proviso to sub-section (1) of section 17 or under sub-section (3) of section 17	Name of Debottur, wakt, Trust or Endowment	Name with father's name and address of Shebait, Mutwalli, Trustee, or manager (in case of mutation the previous entries should be penned through in red ink and fresh entries made indicating the date of order sanctioning mutation)	Amount of annuity assessed (in figures as well as words) as shown in C.A. Roll and the year from which payable, viz., 1362 B.S. and/or 1363 B.S.
1	2	3	4	5	6
Details of <i>ad interim</i> payments made (date-wise)					
	7	8	9	10	11
Amount of arrear Government dues under section 7 and other dues under section 26 as also adjustments effected with reference to serial No. of Register					
Total dues	Adjustments		Amount paid year by year (Payment of accumulated interest charges to be shown separately)		Remarks, if any
12	Amount 13	Challan No. and date 14	Serial No. of Pay Order 9	Date of issue of Pay Order 15	Signature of Annuitant testifying receipt of Pay Order 16
				T.V. No. and date 17	Initial of the Officer 18

## FORM No. O(3)

[See sub-rule (7) of rule 51]

## Register of Terminable Annuities

Serial No.	Final payment case No. and C.A. Roll No.	Category of case, viz., whether coming under the first proviso to sub-section (1) of section 17	Name of Debottur, Wakt, Trust or Endowment	Name with father's name and address of Shebait, Mutwalli, Trustee or manager (in case of mutation the previous entries should be penned through in red ink and fresh entries made indicating the date of order sanctioning mutation)	Amount of Annuity assessed (in figures as well as in words) for which payable as shown in C.A. Roll	Number of years (in figures as well as in words) for which payable as shown in C.A. Roll
1	2	3	4	5	6	7
Details of <i>ad interim</i> payments made (date-wise)						
	8	9	10	11	12	13
Amount of arrear Government dues under section 7 and other dues under section 26 as also adjustments effected with reference to Serial No. of Register						
Total dues	Adjustments		Amount paid year by year (payment of accumulated interest charges to be shown separately)		Remarks, if any	
13	Amount 14	Challan No. and date 15	Serial No. of Pay Order 16	Date of issue of Pay Order 17	Signature of Annuitant testifying receipt of Pay Order 18	Initial of the Officer 19
				T.V. No. and date 17	Initial of the Officer 18	Remarks, if any 19

**FORM No. O(4)**  
[See sub-rule (7) of rule 51]  
**Register of Rent-in-kind Annuities Payable for 25 years**

Serial No.	Final payment case number and C.A. Roll number	Name with father's/husband's name and address of the intermediary. (In case of mutation the previous entries should be penned through in red ink and fresh entries made indicating the date of order sanctioning mutation)	Amount of annuity assessed (in figures as well as in words) as shown in C.A. Roll	Details of <i>ad interim</i> and special payments made (date-wise)	Interest accrued
1	2	3	4	5	6
Serial number of Pay Order	Date of issue of Pay Order	Signature of annuitant testifying receipt of Pay Order (if the intermediary be incompetent to alienate the Pay Order shall be kept in deposit with the Collector and the fact should be noted in remarks column)	Amount of arrear Government dues under section 7 and other dues under section 26 as also adjustment effected with reference to serial No. of Register		
7	8	9	Adjustments		
Amount paid year by year (payment of accumulated interest charges to be shown separately)		T. V. No. and date	Total dues	Amount	Challan No. and date
		14	10	11	12
		Initial of the Officer	Remarks, if any		
		15	16		

**FORM No. O(5)**  
[See sub-rule (7) of rule 51]  
**Statement of Annuity Payments made during the fortnight ending**

Serial No.	Final Payment Case No.	Name of the Annuitant with father's/husband's name	Address	Deductions on account of <i>ad interim</i> and special payments already made T.V. Nos. and date	Deductions on account of arrear Government dues under section 7	Net amount paid in cash	Signature of the Collector	For use in Audit Office.			
								T. V. No. and date	initial of Accountant where necessary		
1	2	3	4	5	6	7	8	9	10	11	12
Net annual income				Annuity payable							

Forwarded to the Accountant-General, West Bengal/Board of Revenue, West Bengal  
Collector.

Memo No. \_\_\_\_\_ dated \_\_\_\_\_

## FORM No. O(6)

[See sub-rule (9) of rule 51]

**Bill for payment of Annuity under the West Bengal Estates  
Acquisition Act, 1953**

Bill No. \_\_\_\_\_ dated 20.....  
 Name and address of Annuitant \_\_\_\_\_  
 [where the Annuitant is a Shebait/Mutwalli/Trustee/  
 Manager, mention the name of Debottar, Wakf, Trust or  
 Endowment] \_\_\_\_\_  
 Perpetual/Terminable/Rent-in-kind \_\_\_\_\_  
 Payment Order No. \_\_\_\_\_  
 Reference to item number in the Advice list bearing  
 number and date \_\_\_\_\_

Rs. Paise

Annuity due at the rate of Rs.-----  
 for the years--- B.S. to ----- B.S.----- ----  
 Accumulated interest ----  
 less Adjustments/Deductions ----

(a) *Ad interim* payments

(b) Arrear dues

Net ----

Principal ----

(Rupees in words) Interest ----

( Separately for principal and interest ]

Classification of charges on account of:

Principal	Interest
under head	under head

Received contents.

Please Pay to..... Signature/thumb-impression of the  
 payee with date

(Whose specimen signature is given below).

Countersigned for Rs. ....

(in words)

Twenty paise receipt stamp for sums exceeding Rs. 20	Signature of the payee with date	Please pay to
------------------------------------------------------------	-------------------------------------	------------------

(Dated signature of Agent)

Whose signature or thumb impres-  
 sion as given above has been ob-  
 tained in my presence

Date— District— Collector.  
 Treasury Voucher No. and date— Treasury—  
 Pay Rs. ----- (in figures as well as in words)  
 Station—  
 Appropriation for the current year—  
 Expenditure including this bill—  
 Balance of Appropriation available —

Treasury Officer.

Date—

**CERTIFICATES**

Certified that the amount claimed in the bill has been verified with the rel-  
 evant records and found correct.

Certified that the bill is made over to the actual payee whose signature or  
 thumb-impression has been obtained in my presence and attested by me.

Certified that the bill is made over to the Treasury for payment to the actual  
 payee by postal money order and that receipt of the payee up to Rs. 25 when  
 received will be kept in office and those above Rs. 25 forwarded to the Ac-  
 countant-General, West Bengal, Calcutta.

Certified that the amount of Rs.----- has been noted in the relevant  
 registers as prescribed under the rules.

Collector.

For use in Accountant General's Office

Admitted— — —

Objected— — —

Auditor.

Superintendent.



**FORM No. O(7)**

[See sub-rule (9) of rule 51]

Advice List No. .... dated .....

(Which should be continuous for each financial year)

**Advice List of Annuity Payment Bills passed for payment**

District .....

Item No.	Name of the payee	Number of the Perpetual/Terminable/Rent-in-kind annuity payment order	Number and date of the Bill	Amount of the bill	T.V. No. and date	Remarks
1	2	3	4	5	6	7

No. ....

dated .....

Collector.

Forwarded to Treasury Officer.

No. ....

dated .....

Returned lower portion to the Compensation Officer after noting T.V. No. and date of payment

Date .....

Signature of Treasury Officer.  
(Office copy for Treasury Officer)

Station

Dated

To  
The Compensation Officer,

Item No.	Name of the payee	Number of the Perpetual/Terminable/Rent-in-kind annuity payment order	Number and date of the Bill	Amount of the bill	T.V. No. and date	Remarks
1	2	3	4	5	6	7

No. ....

Date .....

The foil advice returned herewith after filling in column 6.

Date .....

20 .....

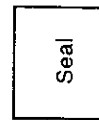
Signature of Treasury Officer.

.....(Machine No. of.....)  
Not Transferable  
Folio No. in Collector's Register.....  
Final Compensation Case No. ....  
Final Assessment Roll No. ....

**FORM No. O(8/1)**

[See sub-rule (3) of rule 51]

**The West Bengal Estates Acquisition Perpetual Annuity Payment Order**



District .....

Name of the Debottar/Waki Trust/Institution/Endowment	Name with father's/husband's name of the Shebat/Murwalli etc. and address		Amount of annuity assessed (in figures as well as in words) and the year for which payable	Details of <i>ad interim</i> payments with reference to years (date-wise)	Interest accrued up to the date of final publication of the Compensation Assessment Roll	Remarks
	Year	Annuity payable				

Adjustments			
Amount in arrear or attached	Amount adjusted	Challan No.	Balance to be adjusted
I. Arrear Government dues under section 7— (i) Land Revenue (ii) P.W. Cess (iii) Edn. cess (iv) Other imposition by State II. Attachment under Order of Court— (a) Name of the attaching Court (b) Case No.			Directions regarding further adjustment out of subsequent payments

Prepared by (Full signature) \_\_\_\_\_

Date..... District.....

Checked by..... Date.....

(Full signature) \_\_\_\_\_

Date.....

Seal of the Collector \_\_\_\_\_

(Signature of the Collector) \_\_\_\_\_

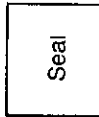
District \_\_\_\_\_

Date.....

(Signature of District Compensation Officer) \_\_\_\_\_

**MEMO OF ACTUAL PAYMENT**

Date of Payment	Collector's Bill No. and date	Amount paid [ N.B.: Payment of accumulated interest charges to be shown separately]	Signature of the Treasury Officer
			Remarks, if any



**FORM No. O(8)/2**

[ See sub-rule (3) of rule 51 ]

**The West Bengal Estates Acquisition Terminable/Annuity Payment Order**

.....(Machine No. of St.)  
 Not Transferable  
 Folio No. in Collector's Register.....  
 Final Compensation Case No. ....  
 Final Assessment Roll No. ....

District.....

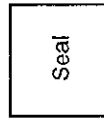
Name of the Debottar/Wakf Trust/Institution/Endowment	Name with father's/husband's name of the Shebat/Murwalli etc. and address		Amount of Annuity assessed [in figures as well as in words] and the year for which payable	Details of <i>ad interim</i> payments with a reference to years (date-wise)		Interest accrued up to the date of final publication of the Compensation Assessment Roll	Remarks
	Year	Annuity payable		Amount paid	Date		

Adjustments			
Amount in arrear or attached	Amount adjusted	Challan No.	Balance to be adjusted
I. Arrear Government dues under section 7 (i) Land Revenue (ii) P.W. Cess (iii) Edn. cess (iv) Other imposition by State II. Attachment under Order of Court— (a) Name of the attaching Court (b) Case No.			Directions regarding further adjustment out of subsequent payments

Prepared by (Full signature) \_\_\_\_\_ Signature of District Compensation Officer  
 Date..... District.....  
 Checked by..... Date.....  
 (Full signature)  
 Date..... Signature of the Collector.  
 Seal of the Collector.....  
 Date..... District.....

MEMO OF ACTUAL PAYMENT

Date of Payment	Collector's Bill No. and date	Amount paid [ N.B.: Payment of accumulated interest charges to be shown separately].	Signature of the Treasury Officer
			Remarks, if any



.....(Machine No. of..... Sl. ....)  
 Folio No. in Collector's Register.....  
 Final Compensation Case No. ....  
 Final Assessment Roll No. ....

**FORM NO. O (8)/3**  
 [See sub-rule (3) of rule 51]  
**The West Bengal Estates Acquisition**  
**Rent-in-kind Annuity Payment Order**

District.....

Name of intermediary having Rent-in-kind tenancies	Name of father/husband and address		Remarks
	Interest accrued up to the date of final publication of the Compensation Assessment Roll		
Amount of annuity assessed (in figures as well as in words) and the year for which payable	Year	Annuity payable	Details of <i>ad interim</i> payments with reference to years (date-wise)
		Amount paid	
Signature of the Annuitant		Signature of the Identifier	
		Designation of the Identifier	

Adjustments				Directions regarding further adjustment out of subsequent payment	Prepared by (Full signature)  Signature of District Compensation Officer
Amount in arrear or attached	Amount adjusted	Challan No.	Balance to be adjusted		
I. Arrear Government dues under section 7 (i) Land Revenue (ii) P.W. Cess (iii) Edn. cess (iv) Other imposition by State II. Attachment under Order of Court— (a) Name of the attaching Court (b) Case No.					
				Date..... District.....	Date..... District.....
				Checked by..... (Full signature) Date.....	Checked by..... (Full signature) Date.....
				Seal of the Collector Date.....	(Signature of the Collector) Date.....

**MEMO OF ACTUAL PAYMENT**

Date of Payment	Collector's Bill No. and date	Amount paid [ N.B.: Payment of accumulated interest charges to be shown separately]	Signature of the Treasury Officer	Remarks, if any

**FORM No. O(9)**

**Register of Annuity Payment Bill on..... Treasury**

District.....  
[See sub-rule (9) of the rule 51]

Serial No.	Annuity Payments Order Number	Nature of Annuity (Perpetual/Terminable/Rent-in-kind)	Name of the Annuitant	Number and date of the bill	Name of the person who tendered the bill for encashment	Amount disbursed	Treasury Voucher number and date of payment	Signature of the Treasury Accountant	Remarks
Signature of the Treasury Officer.									

**APPENDIX 'A'**  
**Table**

[See sub-rule (8) of rule 51]

Years	Present value of 1 per annum ( i.e. the present value of an annual payment of 1) 3 per cent		Years	Present value	
	Present value	Years		Present value	Years
1	.97087379	7	6.23028296	13	10.63495533
2	1.91346970	8	7.01969219	14	11.29607314
3	2.82861135	9	7.78610892	15	11.93793509
4	3.71709840	10	8.53020284	16	12.56110203
5	4.57970719	11	9.25262411	17	13.16611847
6	5.41719144	12	9.95400399	18	13.75351308
				19	14.32379911
				20	14.87747486
				21	15.41502414
				22	15.93691664
				23	16.44360839
				24	16.93554212
				25	17.41314769

*Example*—The present value of an annual payment of, viz., Rs. 100 for a period of 25 years at 3 per cent per annum (interest convertible yearly) = 100x17.41314769 = Rs.1,741.31 paise only.

**FORM No. P**  
**Register of final Compensation Records kept in the District Record Room**  
 [Paragraph 9(a) of Schedule A]

Serial No.	Name of the intermediary with father's/husband's name and address as mentioned on the Compensation Assessment Roll	Compensation Assessment Roll No.	Final Compensation Case No. and Serial No. on the 'A' Register	Net annual incomes as assessed on the Roll	Amount payable as total Compensation as stood on the Roll	Reason of non-payment	Date of Consignment to Record Room	Signature of Record Keeper	Remarks	Date of return of Final Compensation Case by the Record Keeper to District Compensation Office
1		3	4	5	6	7	8	9	10	11

Inserted by Notification No. 3432 L. Ref., dated 4th March, 1965.

**FORM No. R**  
**Alphabetical Index of Annuity Compensation Cases**  
 [See sub-rule (2) of rule 51]

District—

Serial No.	Sur-name	Name of the Annuity holder (Mention the name of the first or Managing Shebait, Mutwalli, etc.), as representing the Annuitant Deity, Wakf, etc. where necessary	Father's name	Serial No. on the Annuity Compensation Case Register	Folio No. on the Annuity Payment Register with Vol. No. therefor	Annuity Case No. with year thereof	Remarks
1	2	3	4	5	6	7	8

Inserted by Notification No. 1940L. Ref., dated 8th February, 1966.

**SCHEDULE B**

[Rule 25]

**1. Procedure for preparation or revision of record-of-rights.**—(1) When an order has been made under sub-section (1) of section 39 directing that a record-of-rights be prepared or revised by a Revenue Officer in respect of the lands of any district or part thereof, the record-of-rights shall be prepared or revised by the following process, namely:—

- (i) Traverse survey;
- (ii) Cadastral survey;
- (iii) Preliminary record writing (or Khanapuri);
- (iv) Local explanation (or Bujharat);
- (v) Attestation including determination of rents of tenancies under sections 40, 41 and 42;
- (vi) Publication of the draft record-of-rights;
- (vii) Disposal of objections under sub-section (1) of section 44;
- (viii) Preparation and publication of the final record-of-rights under sub-section (2) of section 44;

Provided that any of the steps referred to in items (i) to (v) may be omitted or amalgamated with another with the previous permission of the State Government:

Provided further that a Revenue Officer who has been appointed with the additional designation of "Settlement Officer" may at any time before the publication of the draft record-of-rights, direct that any portion of the proceedings in respect of the preparation or revision of the record-of-rights of any district or part thereof shall be cancelled and that such proceedings shall be carried out *de novo* from such stage as he may direct.

**2. Traverse survey.**—The cadastral survey of the notified area shall be based upon a traverse survey, and such traverse survey shall ordinarily be carried out by theodolite observations.

**3. Cadastral survey.**—(1) In the course of proceedings under sub-section (1) of section 39 a large-scale map showing roads, rivers, railways and other physical features of the country, as well as homesteads and other fields, shall be prepared for each village as adopted in the general land revenue survey which has been made in the State of West Bengal or in any survey made by the Government by notification in the Official Gazette as defining villages in any specified area:

<sup>1</sup>Provided that for any specified area, whether previously notified as a village or not, the State Government may direct that the preparation of map as aforesaid be dispensed with or that such map be prepared either by adopting any map or plan previously prepared by the Government or by any local authority or by any private party, after such modification, if any, as may be consid-

<sup>1</sup> Inserted by Notification No. 9208L. Ref., dated the 19th May, 1956.

ered necessary with a view to representing the existing state of affairs, for the purpose of the preparation or revision of the record-of-rights under the Act.

(2) When the area contained within the external boundaries of the village map of the previous survey contemplated by sub-paragraph (1) is unsuitable as the unit of survey and record, or, if there has been no such previous survey, the Settlement Officer shall, after ascertaining, as far as possible, the opinions of the landlords and tenants concerned, submit his proposals for the determination of the area to be adopted as the unit of record and survey to the Board of Revenue through the Controlling Officers to whom he is subordinate. That unit shall, if sanctioned by the Board of Revenue, be adopted in framing the record-of-rights and shall be deemed to constitute a village when a notification adopting it as such has been issued in the Official Gazette by the State Government. The Board of Revenue shall submit a copy of its order in each case to the State Government for the issue of the notification.

**4. Khanapuri.**—At this and the two following stages the draft record-of-rights shall be prepared. The draft record shall consist of statements of rights which are hereinafter styled the khatians. There shall ordinarily be a separate khatian for each person interested, or each group of persons jointly interested, in the land and each khatian shall show the rights and liabilities of each person or group of persons according to the particulars which have been specified in the order under sub-section (3) of section 39. At this stage all such particulars shall be entered in the draft record with the exception that no entry shall be made as to the revenue, rent or cess, the class to which the tenant belongs, or the special conditions and incidents of the tenancy. At this stage there shall also be prepared a field index or khasra arranged according to the serial numbers of the fields in the village. This field index shall not form part of the draft record.

**5. Bujharat.**—When the areas of the fields have been extracted and entered in the draft record a copy of each khatian shall be made over by a Revenue Officer to the person or body of persons in whose name or names the khatian has been opened or to their representatives. Each khatian shall then be examined on the ground, with reference to the village map, by a Revenue Officer or such other person as may be authorised by him in this behalf and explained to the person or persons concerned or their representatives, if present. In this process the Revenue Officer or the authorised person shall make such corrections as are necessary in the map, in the draft record, and in the copies of the khatians which have been distributed, if they can be produced for this purpose. At this stage entries of the rent which is payable according to the statement of the landlord and according to the statement of the tenant shall be made in the draft khatians of the tenants and in such copies as are produced; but the other particulars which were omitted at the stage of khanapuri record writing shall be deferred until the stage of attestation.

**6. Attestation.**—<sup>1</sup>(1) The attestation of each village shall be taken up at a convenient place in or near the village as far as possible. Before attestation

1. Renumbered by Notification No. 10382L. Ref., dated the 1st June, 1955.

begins the Revenue Officer may cause a plot enquiry and survey, where necessary, for incorporating changes in maps previously prepared and for making a preliminary record of the names of possessors of each plot in operation where stages referred to in items (i) to (iv) of paragraph 1 have been omitted. A proclamation shall also be published before attestation begins in the village given due notice to the landlords and tenants and calling on them to appear before the Revenue Officer on the date fixed, with relevant documents in support of their title and possession. The proclamation shall also specify that all persons who have derived or lost interest in any khatian should invariably be present at the time of attestation and that all changes which occurred in any tenancy since the last preparation of the draft or finally published record-of-rights due to—

- (a) inheritance, succession, transfer or otherwise;
- (b) amalgamation or sub-division of tenancies;
- (c) surrender or abandonment of tenancies;
- (d) new settlement; or
- (e) any other reasons

shall be brought to the notice of the Revenue Officer. As each person appears before him the Revenue Officer shall examine his khatian, read out all the entries, make corrections where required, and see that the khatian is complete in all particulars. Disputes regarding the ownership of land, or the ownership of any interest in land, shall be decided by the Revenue Officer in a summary manner and on the basis of present possession or possession during the agricultural year preceding the year in which the date of vesting under section 4 of the Act falls where notification under that section has been issued. In the khatian of each tenant or group of tenants he shall enter with his own hand the class to which the tenant or group of tenants belong, the special conditions and incidents (if any) of the tenancy and the rent lawfully payable or deliverable to each landlord or group of landlords. Where revision is being made of a previously prepared record-of-rights and finally published under Chapter X of the Bengal Tenancy Act, 1885, no fresh entry regarding these details is necessary if they are found to be correct on the basis of present and actual possession or possession during the period stated above where notification of vesting under section 4 of the Act has been issued. In each of the khatians attested the cesses lawfully payable to each landlord or group of landlords shall be recorded. The Revenue Officer shall then sign and date the office copy of the khatian. When the Revenue Officer has completed the attestation of all the khatians of a village he shall draw up a formal proceeding to that effect.

<sup>1</sup>(2) If during the enquiry and survey referred to in sub-paragraph (1) it appears to the Revenue Officer that the area contained within the external boundaries of that village maps of the previous survey is unsuitable as the unit of survey and record, he shall, after ascertaining as far as possible the opinion of the landlords and tenants concerned, submit his proposals for the determination of the area to be adopted as the unit of record and survey to the Board of Revenue through the Controlling Officers to whom he is subordinate. Thereafter the procedure laid down in sub-paragraph (2) of paragraph 3 shall apply *mutatis mutandis*. In causing the aforesaid enquiry and survey, the Revenue

Officer may also incorporate in the last settlement maps the plans prepared by other departments of Government as well as by private parties after such check as he considers necessary with a view to represent the existing state of affairs.

\* \* \* \* \*  
37. 4(1) \* \* \* \*

(2) In preparing or revising the record-of-rights under Chapter V, the Revenue Officer shall take into consideration any statement furnished by an intermediary having regard to the provisions of section 6 of the Act.

\* (3) \* \* \* \*

(4) The Revenue Officer shall, wherever necessary, partition the lands for the purpose of making allotment under sub-section (5) of section 6 of the Act and demarcate the lands so partitioned by assigning such separate plot numbers as may be needed for the purpose.

(5) Where the area of lands held in Khas possession by a raiyat or an under-raiyat does not exceed, by operation of section 52, the limits laid down under clause (c) or clause (d) of sub-section (1) of section 6, it shall be presumed that such raiyat or under-raiyat has retained all such lands and the record-of-rights shall be amended accordingly.

1. Inserted by Notification No. 10382L. Ref., dated the 1st June, 1955.
  2. The words "This survey shall not be deemed to be cadastral survey within the meaning of paragraph 3" were omitted by Notification No. 9208-L. Ref., dated the 19th May, 1956.
  3. This was substituted by Notification No. 21074L. Ref., dated the 18th October, 1955.
  4. Sub-rule (1) was omitted by Notification No. 10778-L. Ref., dated the 18th June, 1956.
  5. Sub-rule (3) was omitted by Notification No. 1030-L. Ref., dated the 21st January, 1958.
  6. The words "sub-section (5) of section 6 of the Act" were substituted for "sub-rule (3)" by Notification No. 15512-L. Ref., dated the 6th August, 1959.
  7. Sub-rule(5) was inserted by Notification No. 10778-L. Ref., dated the 18th June, 1995.
- \* The word "such" was omitted vide Notification No. 15512L Ref., dated the 6th August, 1959.

**8. Draft publication, disposal of objection and final publication of the record-of-rights.**—(1) Draft publication of the record-of-rights, disposal of objections and the final publication of the record-of-rights shall be made in the manner provided under rule 30.

(2) When a record-of-rights is placed for final publication a certificate in the following form shall be attached to the first volume of record-of-rights of each village:

**Certificate of final publication**

Village—	—
Thana—	—
District—	—
Volume—	—
Pages—	—

Certified that the record-of-rights of the interest as contained in the pages noted above is finally framed and published under sub-section (2) of section 44 of the West Bengal Estates Acquisition Act, 1953 (West Bengal Act I of 1954), on this..... day of.....20.....

Dated—

Revenue Officer.

The certificate shall be sealed with the seal of Settlement Office. Each page of the final record shall be stamped with a seal in the following form:—

Record-of-rights finally framed and finally published under sub-section (2) of section 44 of the West Bengal Estates Acquisition Act, 1953 (West Bengal Act I of 1954).

Settlement Officer.

## FORM No. B

[Paragraph 7 of Schedule B]

## Description of the lands to be retained by the intermediaries under section 6 of the West Bengal Estates Acquisition Act, 1953 (West Bengal Act I of 1954)

Name of intermediary..... Address.....  
Father's or husband's name..... Date of filing the statement.....

1	2	3	4	5	6		7		8		9		10		11	
					Land under section 6(1)(b)		Non-Agricultural lands under section 6(1)(c)		Agricultural lands under section 6(1)(d)		Tank fisheries under section 6(1)(e) and lands under section 6(1)(f) or (g)		Land under section 6(1)(h) or (i) or (j)			
Name of mauzas with jurisdiction list Nos. and names of police stations and district	Last settlement Khatian Nos.	Descriptions of the interest in the Khatians mentioned in column 2	Share of the intermediary in the interest written in column 3 and the date of the document under which interests were acquired	Homestead under section 6(1)(a)		Non-Agricultural lands under section 6(1)(b)		Non-Agricultural lands under section 6(1)(c)		Agricultural lands under section 6(1)(d)		Tank fisheries under section 6(1)(e) and lands under section 6(1)(f) or (g)		Land under section 6(1)(h) or (i) or (j)		Total area of homestead lands and non-agricultural lands (columns 5+7)
				Last settlement plot Nos.	Area	Last settlement plot Nos.	Area	Last settlement plot Nos.	Area	Last settlement plot Nos.	Area	Last settlement plot Nos.	Area	Last settlement plot Nos.	Area	
				(a)	(b)	(a)	(b)	(a)	(b)	(a)	(b)	(a)	(b)	(a)	(b)	

(i) The statement relates to all interest which an intermediary has in the whole of West Bengal.

(ii) This statement shall be filed before the Settlement Officer in whose jurisdiction the major portion of the lands which the intermediary wishes to retain is situated or before a Revenue Officer authorised by the Settlement Officer in this behalf.

(iii) Each of the co-sharers of the same interest shall submit the statement separately for his own share.

(iv) Total area of lands shown in column 7 shall not exceed 15 acres in the whole of West Bengal. If this total area is found to be in excess of 15 acres, the excess will be excluded by the Revenue Officer from any of the Khatians shown in column 2.

(v) Total area of lands shown in column 8 shall not exceed 25 acres in the whole of West Bengal. If this total area is found to be in excess of 25 acres, the excess area will be excluded by the Revenue Officer from any of the Khatians shown in column 2.

(vi) Total area of lands shown in column 11 shall not exceed 20 acres in the whole of West Bengal. If this total area is found to be in excess of 20 acres, the excess area will be excluded by the Revenue Officer from any of the Khatians shown in column 2.

(vii) The statement shall be prepared in two parts. In the first part detailed description of lands in the whole of West Bengal which will be retained by the intermediary are to be shown in one consolidated statement in this form. In the second part, the lands retained in each mouza are to be shown in separate statement for each mouza also in this form.

I declare that to the best of my knowledge and belief the information given by me in the above statement is correct and complete and also truly stated.

Signature of the Intermediary



## SCHEDULE C

[Rule 32]

### Powers of Officers making surveys and preparing or revising record-of-rights

1. When a Revenue Officer is appointed for the purpose of preparing or revising record-of-rights under Chapter V of the Act in respect of any district or part of a district, he shall be appointed either with or without the additional designation of "Settlement Officer" or "Assistant Settlement Officer".

2. (i) A Revenue Officer appointed with the additional designation of "Settlement Officer" may, by general or special order, make over for disposal to any Assistant Settlement Officer subordinate to him—

(a) objections under sub-section (1) of section 44 of the Act;

<sup>1</sup>(b) application under sub-section (2a) of section 44 of the Act.

(ii) A Revenue Officer appointed with the designation of "Settlement Officer" may also withdraw from the file of any Assistant Settlement Officer subordinate to him any of the proceedings mentioned in clause (i) and may dispose of them himself, or transfer them for disposal to any other Assistant Settlement Officer subordinate to him.

3. In respect of all operations under Chapter V of the Act which have been placed under the administrative control of the Director of Land Records and Surveys that officer is hereby appointed to discharge all the functions of a Revenue Officer under the said Chapter and is vested with all the powers of a Settlement Officer under this Schedule.

<sup>2</sup>4. (1) Except where otherwise provided for by the Act or by these rules, all proceedings and orders of Revenue Officers, passed in the discharge of any duty imposed upon them by or under the Act shall be subject to the supervision and control of the State Government; and the proceedings and orders of each Revenue Officer under the Act shall be subject to the supervision and control of the Revenue Officers to whom he may be declared by the State Government to be, for the purposes of the Act, subordinate.

<sup>3</sup>(2) The State Government may by general or special order cancel any proceedings including the proceedings for draft publication or final publication of the record-of-rights in any district or a part of a district in respect of all interest or a category of interests if in its opinion such action is necessary for carrying out the purposes of the Act and direct such proceedings to be carried out *de novo*.

<sup>4</sup>Provided that notwithstanding anything hereinbefore contained, if in any case a record-of-rights finally framed and finally published under sub-section (2) of section 44 becomes worn out or otherwise unfit for use, the Revenue Officer, after recording the reasons therefor shall reconstruct such record-of-rights by preparing copies therefrom. When the record-of-rights has been so reconstructed the Revenue Officer shall certify it to be a true copy of the said finally framed and finally published record-of-rights and such copy shall then be treated as the record-of-rights finally framed and finally published under sub-section (2) of section 44.

Provided further that if in any case, a record-of-rights finally framed and finally published is lost or destroyed or damaged beyond repair and there are materials on the basis of which such record-of-rights can be reconstructed, the Revenue Officer shall, on the basis of such materials, re-construct a draft record-of-rights and shall give the person or persons interested in such record-of-rights an opportunity to inspect such draft record-of-rights and to file objections, if any, thereto, and shall, after giving person or persons who may have filed objections an opportunity of being heard and after considering such objections and other documents that may be filed by such person or persons, make such draft record-of-rights final with or without modification and certify it to be a true copy of such finally framed and finally published record-of-rights, and the record-of-rights so finally reconstructed and certified, shall be treated as the record-of-rights finally framed and finally published under sub-section (2) of section 44.

(3) If in any case, a map of any village in respect of which draft of record-of-rights has been published or record-of-rights has been finally framed and finally published is lost or destroyed or damaged beyond repair and there are materials on the basis of which such maps can be re-constructed, the Revenue Officer shall on the basis of such materials, and after such ground survey as may be deemed necessary, re-construct the map and shall give the person or persons interested an opportunity to inspect such re-constructed map and file objections, if any, thereto and shall, after giving person or persons, who may have filed objections an opportunity of being heard and after considering such objections and other document that may be filed by such person or persons, make such map final and certify it to be a true copy and the map so reconstructed and certified, shall be treated as the map of the village in respect of which draft of record-of-rights has been published under sub-section (1) of section 44 or record-of-rights has been finally framed and finally published under sub-section (2) of the said section, as the case may be.

1. Clause (b) was reinserted by Notification No. 8802-L. Ref. dated the 2nd May, 1956.
2. Paragraph 4 was renumbered 4(1) and sub-paragraph (2) was inserted by Notification No. 10778-L. Ref., dated the 18th June, 1956.
3. Inserted by Notification No. 10778L. Ref. dated the 18th June, 1956.
4. Inserted by Notification No. 4338L., Ref., dated 26th February, 1959.

## SCHEDULE D<sup>1</sup>

[Rule 10(2)]

1. (1) On receipt of an application under sub-rule (3) of rule 10 the Collector shall determine the amount of annual *ad interim* payment on the basis of the net approximate annual income calculated under sub-rule (4) of rule 11. Where the estate and interests of an intermediary were situate in one district, and interim payment shall be made from that district. Where his estates and interests were situate in more than one district, such payment shall be made from the district in which the major portion of the estates and interests were situated and the Collector of such district shall verify the particulars furnished by the

intermediary in this behalf from the Collector or Collectors of the other district or districts and ascertain whether any payment has been made from there and whether any Government dues are outstanding against such intermediary.

(2) <sup>2</sup>The authority or the officers specified in column 1 of the table below may sanction *ad interim* payment to an individual intermediary under sub-section (1) of section 12 up to the amount specified in the corresponding entry in column 2 of the said table.

TABLE

Authority or office	Amount up to which <i>ad interim</i> payment may be sanctioned
1	2
<sup>3</sup> 1. The District Compensation Officer and Additional District Compensation Officer.	Rs. 500 per annum, in each case
2. The Collector	Rs. 500 per annum, in each case
3. The Commissioner of a Division	Exceeding Rs. 5,000 but not exceeding Rs. 10,000 per annum, in each case
4. The Board of Revenue	Exceeding Rs. 10,000 but not exceeding Rs. 20,000 per annum, in each case
5. The State Government	Exceeding Rs. 20,000 per annum in each case

Provided that where the first instalment of the *ad interim* payment has been sanctioned by the State Government, the Board of Revenue or the Commissioner of a Division the Collector shall be competent to pay subsequent instalments thereof at the same rate without further sanction of the appropriate officer of authority.

(3) The State Government may, by notification in the Official Gazette, authorise any officer or authority to sanction *ad interim* payment under the second proviso to sub-section (1) of section 12 in excess of one-third of the net approximate annual income from an estate or interest of an intermediary.

(3A) The sanction of the Board of Revenue shall be necessary in case of *ad interim* payments under sub-section (2) of section 12:

Provided that the State Government may by special order, authorise the Collector to make such payments at his discretion on the basis of a summary enquiry and on execution of an indemnity bond by the intermediary concerned:

<sup>4</sup>Provided further that where the first instalment of the *ad interim* payment has been sanctioned by the Board of Revenue, the Collector shall be competent to make payment of the subsequent instalments of the *ad interim* compensation without the sanction of the Board of Revenue.

(4) Orders of the Collector sanctioning *ad interim* payment shall be sent to the Accountant-General, West Bengal, and to the Board of Revenue in Form "C" appended to this Schedule in a form substantially similar thereto.

2. (1) The amount of *ad interim* payment will be drawn from the Treasury by the payee by a bill in Form D appended to this Schedule or in a form substantially similar thereto, <sup>5</sup>which shall be countersigned by the Collector or, in exceptional circumstances, by the District Compensation Officer when specially authorised in this behalf by the State Government. One bill form shall be used for each payee. The bill will be drawn up in the Collector's office and after countersignature by the Collector, <sup>6</sup>or by the District Compensation Office, as the case may be, it will be entered in the register of *ad interim* payment orders to be maintained by the Collector in Form E appended to this Schedule or in a form substantially similar thereto and certificate of such entry shall be entered in the bill. An Advice List as in Form F appended to this Schedule or in a form substantially similar thereto, shall be sent by name to the Treasury Officer so as to reach him sufficiently in advance of the bill. The Advice List will bear a continuous serial number for each financial year in order to enable the Treasury Officer to file them in a guard file. The Bill will be handed over to the payee or to an agent duly appointed by him by a registered or authenticated power of attorney <sup>7</sup>or by a Vakalatnama properly executed by him and accepted by a pleader or Revenue Agent as provided under the Code of Civil Procedure, 1903, to receive the same, on obtaining his receipt on the register of *ad interim* payment orders as well as on the Order sheet of the case-record. The Collector will make a note of the payments in column 9 of the register of *ad interim* payment orders on receipt of the lower portion of the Advice List from the Treasury Officer.

(2) The payee may personally present the bill at the Treasury or endorse it in favour of any other person for collection as provided in S.R. 133 of the Treasury Rules, West Bengal, Volume I. The payment may also be made by postal money order at the written request of the payee subject to the condition that the money order charges shall be borne by him and met by deduction of the amount of such charge from the amount payable.

<sup>8</sup>(3) The Collector shall maintain in Form G appended to this Schedule or in a form substantially similar thereto, a register of all *ad interim* payments containing personal accounts of each intermediary with an alphabetical index for the purpose of reference.

(4) A separate register containing particulars of *ad interim* payments to every intermediary shall be maintained by the Collector in Form No. E and verified once a week with the register of *ad interim* payment orders on (Name of Treasury) which shall be maintained in the Treasury in Form H appended to this Schedule or in a form substantially similar thereto.

(5) Separate registers as laid down in the foregoing paragraphs shall be maintained in respect of *ad interim* <sup>9</sup>payments referred to in sub-paragraph (3A) of paragraph 1 of this Schedule and the charges on this account shall be debitable to the head 'Annuities for religious and charitable units on account of

acquired lands subordinate to the major head 7—Land Revenue Assignments and Compensations’.

1. Paragraph 1(1) was substituted by Notification No. 14796-L. Ref., dated the 11th September, 1960.
2. Clauses (2) and (3) were substituted by Notification No. 13466-L. Ref., dated the 15th July, 1959.
3. Substituted by Notification No. 8486-L. Ref., dated the 22nd May, 1963.
4. Inserted *vide* Notification No. 15312 L. Ref., dated the 13th October, 1960.
5. Substituted by words “which shall be ..... State Government” for the words “which will.....Collector” by Notification No. 13886-L.Ref., dated 26th August, 1961.
6. The words “or by.....may be” were inserted by Notification No. 13886 L. Ref., dated 26th August, 1961.
7. The words “or by a Vakalatnama.....1908” were inserted, *vide* Notification No. 6710L. Ref., dated the 29th May, 1962.
8. Substituted by Notification No. 5170 L. Ref., dated 5th April, 1961.
9. The words “payments referred to in sub-paragraph (3A)” were substituted for the words “payment.....paragraph (2)” *vide* Notification No. 5170-L. Ref., dated 5th April, 1961.

**FORM No. C**

[Paragraph 1(4) of Schedule D]

**Ad interim payments sanctioned under section 12 of the West Bengal Estates Acquisition Act, 1953**

for the fortnight ending.....20.....

Sub-division/District.....

Serial No.	Ad interim payment case No.	Name of intermediary entitled to receive ad interim payment with father's/husband's name	Place of Residence with postal address	Name of sub-division and police-station where the estates are situated	Approximate amount of net income	Approximate amount of compensation payable showing separately the amount payable in cash and bond	Total amount of ad interim payments including special payments sanctioned previously	Ad interim payments sanctioned		Orders of the Collector with signature and date	For use in Audit Office	
								Rate	Amount		No. and date of Treasury Voucher	Initials of the Accountant where necessary
1	2									9	10	11

Memo No.

dated

Forwarded to the Accountant-General, West Bengal/Board of Revenue, West Bengal

Collector.

1. Inserted by Notification No. 23886L. Ref., dated the 26th August, 1961.

**FORM No. D**

[Paragraph 2(1) of Schedule D]

**Bill for making *ad interim* payment to an intermediary under section 12 of the West Bengal Estates Acquisition Act, 1953**

Bill No. \_\_\_\_\_ Dated \_\_\_\_\_ 20.....

Bill for *ad interim* payment for the year ending/period from (date) .....20..... to (date) 20.....

Heads of Accounts—  
 Major head: \_\_\_\_\_ Treasury voucher No. \_\_\_\_\_ of \_\_\_\_\_  
 Minor head: \_\_\_\_\_ List of payments \_\_\_\_\_  
 District: \_\_\_\_\_  
 Sub-head: \_\_\_\_\_ For .....20.....

Item No.	Date of order with the name and designation of officer passing the order	<i>Ad interim</i> payment case number with year	Reference to item number in the		Name of payee	Amount of <i>ad interim</i> payment in figures (vide details as given on the reverse)	Remarks
			List of <i>ad interim</i> payments sanctioned Form C for the fortnight ending.....20.....	Advice list bearing number and date			
1	2	3	4(a)	4(b)	5	6	7

Rs. P.

(Total in words)

Received contents.

Please pay to.....Signature/Thumb-Impression of the payee with date

(Whose specimen signature is given below).

Twenty P. receipt stamp for sums exceeding Rs. 20

Countersigned for Rs. .... (in words) Please pay to ..... whose signature or thumb-impresion as given above

Signature of the payee.

Date..... has been obtained in my presence.

(Dated signature of the Agent).

Dated..... Collector..... District.....

[The words in '( )' are not necessary when bill is endorsed to Bank]

Checked with Advice List and noted in the Form H.

Pay Rs. .... (in figures as well as in words)

Station..... Dated.....

**Reverse**

Details of amounts shown in column 6 on the obverse.

Amount of net approximate annual income	Date of <i>ad interim</i> payment	Year for which due (the exact period should be stated when it is not a complete year)	Amount
Rs. P.			Rs. P.

Note.—The Treasury Officer should check arithmetically the correctness of the amount shown in column 6 with reference to the details given above.

Rs. P.

Appropriation for the current year .....

Expenditure including this bill.....

Balance of appropriation available.....

Certificates—

(1) Certified that the amount claimed in the bill has been verified with the relevant records and found correct.

(2) Certified that the bill is made over to the actual payee whose signature or thumb-impresion has been obtained in my presence and attested by me.

(3) Certified that the amount of Rs. .... has been noted in the register of *ad interim* payment for adjustment against final compensation payable.

Collector.

(For use in Audit Office)

Admitted.....

Objected.....

Auditor.

Superintendent.

**FORM No. E**

[Paragraph 2(1) of Schedule D]

**Register of *ad interim* payment orders under section 12 of the West Bengal Estates Acquisition Act, 1953**

Note.—This register should be verified once a week with the Treasury Register of *ad interim* payment orders in Form H District.....

Serial No.	Name of intermediary to whom payment is sanctioned	Amount sanctioned together with date of the Collector's order	Number and date of the payment order	Number and date of the bill made over to the payee	Receipt of the payee	Signature of the officer in whose presence the bill is made over to the payee	Signature of the Accountant	Treasury Voucher number and date of encashment of the bill	Date of verification	Remarks (Note page number of register for <i>ad interim</i> payments in this column for cross-reference)
1	2	3	4	5	6	7	8	9	10	11

**FORM No. F**

[Paragraph 2(1) of Schedule D]

**Advice List of *ad interim* payment bills passed for payment**

Advice List No. .... Date.....

(Which should be continuous for each financial year).

District.....

Item No.	Name of the payee	Number and year of the cash under section 12, Estates Acquisition Act	Number and date of the bill	Amount of the bill	T.V. number and date	Remarks
1	2	3	4	5	6	7
				Rs. P.		

No. .... Dated 20.....

Forwarded to the Treasury Officer.....

Collector.

20.....

No. .... Dated 20.....

Returned lower portion to the Collector.....

after noting T.V. No. and date of payment

(Office copy for the T.O.)

Signature of Treasury Officer.

Date.....

(Foil)

(Perforation to detach lower portion).

Station.....

Dated.....

To  
The Collector.....

Item No.	Name of the payee	Number and year of the case under Section 12, Estates Acquisition Act	Number and date of the bill	Amount of the bill	T.V. number and date	Remarks
1	2	3	4	5	6	7
Rs. P.						

No. \_\_\_\_\_ Dated \_\_\_\_\_ 20.....

The above foil of Advice List is returned herewith after filling in column 6.

(See reverse for instructions)

Signature of the Treasury Officer.

Dated.....

(Reverse)

Instructions

1. The Treasury Officer should not encash any bill for *ad interim* payment till this advice is received from the Collector and compared by him with the bill to see that the payees and amounts mentioned in both the documents agree.
2. After payment of the bill the Treasury Officer should detach the lower portion of the Advice List and sent it to the Collector after noting therein the T.V. No. and date in column 6 thereof.

FORM No. G

[Paragraph 2(3) of Schedule D]

Register for *ad interim* payment under section 12 of the West Bengal Estates Acquisition Act, 1953

District..... Name of intermediary with father's/husband's name and residence.....

Serial No.	Ad interim payment number with year	Approximate amount of net income	Number and date of order sanctioning <i>ad interim</i> payment with the name of the Collector passing the order	Period for which due		Ad interim payment made under section 12	Amount paid	Actual date of payment	Date from which <i>ad interim</i> payments ceased	Reference to the Compensation Assessment Roll in which amount shown in column 9 adjusted	Remarks (e.g., <i>ad interim</i> payments refused, suspended or stopped, with date of the order giving brief reasons). Initials of the Collector or the Gazetted Officer-in-charge	
				From	To							Rate
1	2	3	4	5	6	7	8	9	10	11	12	13
							Rs. P.	Rs. P.				

**FORM No. H**

[Paragraph 2(4) of Schedule D]

Register of *ad interim* payment orders on.....

..... Treasury District.....

Ad interim payment case number with year	Name of intermediary	Amount of <i>ad interim</i> payment	Year ending to which the payment relates or the actual period	Number and date of the bill	Treasury Voucher number and date of payment	Remarks
1	2	3	4	5	6	7
		Rs. p.				

**SCHEDULE E'**

[Section 54(2)]

1. The Director of Land Records and Surveys, or a Settlement Officer, vested with the powers of a Compensation Officer, may, by general or special orders,—

- (a) fix or refix the territorial jurisdiction of a Compensation Officer subordinate to him;
- <sup>2</sup>(aa) Withdraw from the file of any Compensation Officer, subordinate to him any roll under preparation under section 14 or section 15 and prepare the same himself or transfer it for preparation to any other Compensation Officer subordinate to him;
- (b) make over for disposal to any Compensation Officer subordinate to him any objection filed under section 15, and, if such subordinate Compensation Officer is specially appointed by the State Government under sub-section (4) of section 15, also any objection filed under section 15A;
- (c) withdraw from the file of any Compensation Officer subordinate to him any objection filed under section 15 or section 15A and may dispose of the same himself or transfer it for disposal to any other Compensation Officer subordinate to him:

Provided that in the case of any objection filed under section 15A such objection shall not be withdrawn or disposed of by, or transferred to, a Compensation Officer not specially appointed by the State Government under sub-section (4) of section 15.

2. Except where otherwise provided by the Act or by these rules—

- (a) all proceedings and orders of a Compensation Officer in the discharge of duties imposed upon him under Chapter III of the Act shall be subject to the supervision and control of the State Government and also of the Compensation Officer to whom he may be declared by the State Government to be, for the purposes of the Act, subordinate:

Provided that the superior Compensation Officer shall, for the purposes of such supervision and control in respect of proceedings and orders relating to sub-section (5) of section 15 or section 15A, be specially appointed under sub-section (4) of section 15;

- (b) the State Government may, by general or special order, cancel any proceedings for draft publication or final publication of any Compensation Assessment Roll, if in its opinion such action is necessary for carrying out the purposes of the Act, and direct such proceedings to be carried out *de novo*:

<sup>3</sup>Provided that notwithstanding anything hereinbefore contained, the Director of Land Records and Surveys, West Bengal, may, if for, any reason it becomes necessary so to do, cancel any proceedings includ-

ing the proceedings for draft publication or final publication, of the Compensation Assessment Roll involving an amount of compensation not exceeding Rs. 5,000 and direct them to be carried out *de novo*;

- (c) Notwithstanding anything hereinbefore contained, if in any case a Compensation Assessment Roll, finally published under sub-section (1) of section 21, is lost or destroyed or damaged beyond repair and there are materials on the basis of which such Compensation Assessment Roll can be reconstructed, the Compensation Officer shall, on the basis of such materials, construct a draft Compensation Assessment Roll, and shall give the person or persons interested in such Compensation Assessment Roll an opportunity to inspect such draft Compensation Assessment Roll and to file objections, if any, thereto, and shall, after giving the person or persons who may file objections an opportunity of being heard and after considering such objections and other documents that may be filed by such person or persons, make such draft Compensation Assessment Roll final with or without modification and certify it to be a true copy of such finally published Compensation Assessment Roll, and the Compensation Roll so finally reconstructed and certified shall be treated as the Compensation Assessment Roll finally published under sub-section (1) of section 21.

3. The Collector shall, while referring cases of intermediaries under sub-section 4 of section 15, keep in view the territorial jurisdiction of Compensation Officers as fixed or refixed under clause (a) of paragraph 1.

1. Inserted by Notification No. 17606-L. Ref., dated 29th November, 1960.
2. Inserted by Notification No. 14796-L. Ref., dated 11th September, 1960.
3. Inserted by Notification No. 11326-L. Ref., dated the 19th July, 1961.

#### SCHEDULE F<sup>1</sup>

<sup>2</sup>[Rule 4]

1. Land comprised in a tea garden retained by an intermediary under sub-section (1), read with sub-section (3), of section 6 shall be deemed to be held directly under the State from the date of vesting as a tenant <sup>3</sup>until a lease is granted in form I appended to this schedule, on such terms and conditions as may be specified by the Collector in a summary settlement, and thereafter, on a lease being granted in form I appended to this schedule, on the terms and conditions specified in such lease. There shall be a lease in Form I in respect of each such intermediary, and the same shall be registered and numbered in the office of the Collector.

<sup>4</sup>[1A. When the lease of a tea garden is determined and the tea garden is leased afresh to a new lessee, the later shall be liable to pay *salami* at the rate of Rs. 15,000 per hectare of the land leased out.

1B. In case of a transfer of the leasehold interest, except by way of inheritance the transferee shall not be liable to pay *salami* during the unexpired period of the lease. On the expiry of the transferred lease, he shall be liable to pay *salami* at the rate of Rs. 15,000 per hectare of the land leased out before the lease is further renewed].

<sup>5</sup>2. The first lease shall be given from the date of the order under sub-section (3) of section 6 or from the date of the determination of the rent under section 42, whichever is later.

3. In the absence of specific orders of the Board of Revenue to the contrary, the renewal of such lease shall always be preceded by a detailed survey of the boundaries and the preparation of a new map in which all boundary lines and marks shall be clearly shown. Such further details as the Settlement Officer may, in consultation with the Collector, think necessary shall also be shown in the map. The full cost of such survey and map shall be borne by the lessee who shall deposit in advance the estimated cost as determined by the Director of Land Records and Surveys, West Bengal. A survey shall be made by the Settlement Department under the control of the said Director of Land Records and Surveys.

4. Such lessee shall not transfer, whether in full or in part, or club or amalgamate tea gardens without the formal sanction of the Collector. Transfer, whether in full or in part, may be sanctioned by the Collector subject to the provisions of the West Bengal Alienation of Land (Regulation) Act, 1960 (West Bengal Act XVI of 1960). All transfers, whether in full or in part, clubbings and amalgamations of tea gardens shall be registered in the office of the Collector:

<sup>6</sup>Provided that except in cases where the provisions of the West Bengal Alienation of Land (Regulation) Act, 1960 (West Bengal Act XVI of 1960), apply, no such sanction shall be necessary for equitable mortgage of a tea garden with a Scheduled Bank by the deposit of title deeds. All such equitable mortgages shall, however, be reported to the Collector immediately.

5. When two or more such lease-hold interests are amalgamated, they shall appear in the register maintained for the purpose at the office of the Collector under one entry, retaining the number of the lease-hold interest with the largest area.

6. Every such lessee shall maintain the boundaries of his tea garden clear of jungle and shall get them so cleared at least once a year not later than the end of February. He shall also maintain all the boundary marks in good condition. In order to ensure that the boundary lines and marks are maintained in good condition, the Collector shall himself inspect the tea gardens occasionally and shall arrange for their regular inspection.

7. If at any time any such lessee is found by survey or otherwise to be in possession of land in excess of the area leased, the Collector shall recover possession of such excess land, provided that such excess land may be left in the occupation of the lessee for the purpose of the garden if it is so decided by the State Government where any excess land is so allowed to be retained by such lessee, such excess land shall be deemed to be included in the lease of such lessee and rent for such land shall be payable by the lessee in accordance with the terms of his lease from the date of granting or renewal of the lease or from the date from which the land is proved to have been occupied by the lessee.

8. A lease shall be forfeited for breach of any of its terms and conditions specified above or laid down in the lease:



Provided that a breach of any condition of the lease may be condoned by the Collector on payment of such fine as determined by the Collector subject to the maximum laid down in the agreement for lease:

Provided further that no order for forfeiture of the lease shall be passed except by the Commissioner.

9. An appeal may be made to—

- (a) the Commissioner against any order of the Collector imposing a fine for a breach of any condition of the lease;
- (b) the Board of Revenue against any order passed by the Commissioner for the forfeiture of the lease.

1. Inserted by Notification No. 5362-L. Ref., dated the 2nd May, 1962.
2. Substituted by Notification No. 11214-L. Ref. dated the 7th September, 1962.
3. Substituted by Notification No. 4122-L. Ref. dated 7th March, 1964.
4. Inserted by Notification No. 748-L. Ref., 6M-12/93, dated 1st June, 1994.
5. Substituted by Notification No. 4122-L. Ref., dated 7th March, 1964.
6. Inserted by Notification No. 1082-L. Ref., dated 8th May, 1967.

#### 'FORM 1

(Schedule F)

**[Lease for tea garden retained under sub-section (1), read with sub-section (3) of section 6 of the West Bengal Estates Acquisition Act, 1953]**

THIS INDENTURE made this..... day of..... one thousand nine hundred and Sixty..... BETWEEN THE GOVERNOR OF THE STATE OF WEST BENGAL, hereinafter called the "LESSOR" (which expression where not repugnant to the context shall include here successors in office and assigns) of the ONE PART

(a) AND ..... son of..... residing at..... hereinafter called the "LESSEE" (which expression shall unless excluded by or repugnant to the context be deemed to include his heirs, executors, administrators, representatives and assigns) of the OTHER PART

(a) In case of an individual,

(b) AND ..... son of..... residing at.....

and ..... son of..... residing at.....

and carrying on business in co-partnership under the name and style of ..... at .....

hereinafter called the "LESSEES" (which expression shall unless excluded by or repugnant to the context be deemed to include their respective heirs, executors, administrators, representatives and permitted assigns and/or the partners for the time being of the said firm of ..... and their respective heirs, executors, administrators, successors and permitted assigns) of the OTHER PART

(b) In case of a partnership firm

(AND..... a Company registered under the Indian Companies Act having its registered office at No. .... hereinafter called the "LESSEE" (which expression shall unless excluded by or repugnant to the context be deemed to include its successors and assigns) of the OTHER PART

(c) In case of a Company.

WITNESSETH that in consideration of the rent <sup>2</sup>[and *salam*] covenants and conditions hereinafter reserved and contained, and on the part of the Lessee, to be paid, observed and performed, the Lessor doth hereby grant and demise unto the Lessee/Lesseees the lands and hereditaments described in Schedule I subject to the reservation specified in Schedule II for a term of thirty years from the..... day of ..... YIELDING AND PAYING therefor the clear yearly rent of Rs..... (Rupees ) only without any deduction payable in two equal instalments on or/before (a) 30th June and 31st December (b) 31st August and 28th February in each and every year.

AND the Lessee/Lesseees to the intent that the obligations may continue throughout the period of the demise doth/do hereby agree and covenant and agree with the Lessor as follows:—

<sup>3</sup>(1) That the Lessee/Lesseees shall pay—

- (a) the said rent as the time and in the manner aforesaid;
- (b) all arrear rents, if any, at the above rate at the times and in the manner as the State Government may direct; and
- (c) other rates, taxes and assessments that are now, or may at any time hereafter be, assessed, charged or imposed on the said demised land and hereditaments, against proper receipts from the Collector for the amounts paid. No payment shall be recognised by the Lessor without such receipts.

(2) That the Lessee/Lesseees shall himself/themselves reside in or near to the said demised lands and hereditaments. In case the Lessee/Lesseees be unable to so reside in the said demised lands and hereditaments, he/they/it shall appoint a manager or agent who shall so reside and shall confer on such manager or agent full powers to act on behalf of the Lessee/Lesseees in all matters relating to the management of the said land and hereditaments and in observance of the terms, conditions and covenants herein on the part of the Lessee contained.

(3) That the Lessee/Lesseees shall register the name of the said manager or agent for the time being in the District Collector's office.

(4) <sup>4</sup>(a) That the Lessee/Lesseees shall at all times observe and conform to the relevant provisions of the West Bengal Estates Acquisition Rules for the time being in force.

<sup>5</sup>(b) That in respect of land comprised in a forest the Lessee/Lesseees shall be subject to the control and supervision of the State Government.

(5) That the Lessee/Lessees shall not dam, obstruct or otherwise divert the flow of any stream or damage or obstruct any spring on the said lands and hereditament without the previous sanction in writing of the Collector of the district (hereinafter referred to as the "Collector"). He/They shall at all times give such facilities as may be required for public access to and enjoyment of springs and rights of way hereby reserved.

(6) (a) That the Lessee/Lessees shall not establish any new market or *hat* on the said lands and hereditaments.

(b) That the Lessee/Lessees and his/their/its managers and agents shall observe the rules published by the Board of Revenue with the approval of the State Government for the regulation of *hats* and markets existing in the tea gardens at the date of this lease.

(c) That except with the prior permission of the Collector, the Lessee shall not bring under cultivation of tea any land which was not under such cultivation at the date of commencement of the lease and shall not make any construction for use as factory, office-building or quarters for labourers on any land on which there was no such construction at such date; and where permission under this sub-clause is given by the Collector, the Lessee shall be liable to pay from the date of such permission such additional rent, over and above the rent herein reserved for the land brought under cultivation of tea or, as the case may be, the land on which construction is made, as may be determined by the Collector, in accordance with the provisions of clause (a) of sub-section (2) of section 42.

(d) That the Lessee/Lessees shall not leave any land comprised in a forest in a tea garden, if deforested in pursuance of any plan for new plantation unplanted for more than two years:

Provided that the Collector may extend the time limit on the merits of a case but in no case such extension shall exceed three years.

(e) That the Lessee/Lessees shall not fell trees in land comprised in a forest in a tea garden without prior permission of the State Government, and if so required by the State Government, shall submit a plan for the maintenance and felling of tree.

(7) (a) That the Lessee shall maintain the boundaries of his tea garden clear of jungle and shall get them so cleared at least once a year not later than the end of February. He shall also maintain all the boundaries marks in good condition.

(b) That the Lessee/Lessees shall on being required so to do erect and maintain in good order at his/their/its own expense all boundary lines and marks; provided that in the event of his/ their/its failing or neglecting to carry out any necessary repairs within 30 days from the date of receipt of the notice from the Collector, the Lessor may repair the same and recover from the Lessee/Lessees all costs and expenses, thereof.

(c) That if, at any time, the Collector is of the opinion that the state of

boundary marks or lines is such that a re-survey of the area is necessary, he may direct such re-survey to be made, and may recover from the Lessee/Lessees the costs of such re-survey.

(8) That if, on any such re-survey or otherwise, it shall be found that the Lessee/Lessees is/are in possession of lands in excess of the said lands and hereditaments, the Lessor shall be entitled forthwith to recover possession of such excess area and the Lessee shall forthwith deliver over possession of the same. The Lessor may however allow the Lessee to continue in occupation of such excess area in which case such excess area shall be deemed to be included in this demise and the Lessee in such case shall be bound and able to pay, in addition to the rent therein reserved, such rent for the excess area as may be determined by the Collector in accordance with the principle laid down in section 42 of the West Bengal Estates Acquisition Act, 1953 (Act I of 1954). The rent so determined for the excess area shall be payable from the date of granting or renewal of the lease or from the date from which the land is proved to have been occupied by the Lessee.

(9) That Lessee/Lessees shall at all times allow the Officers of the Government of West Bengal authorised on that behalf free and undisturbed access to the said lands and hereditaments for purposes of inspection, survey and otherwise.

(10) That the Lessee/Lessees shall, in such forms as may from time to time be prescribed by the said Government, furnish the Collector with full information as to births and deaths in the lands and hereditaments and as to the progress of cultivation and out-turn of tea.

(11) That the Lessee/Lessees shall furnish proper and suitable accommodation for the residence of *chaukidars*, if any be found necessary to be appointed in such gardens to carry out the duties imposed under the West Bengal Panchayat Act, 1956.

(12) That the Lessee/Lessees shall not sub-let the said lands and hereditaments or any part thereof:

<sup>6</sup>Provided that lands comprised in the said lands and hereditaments may be licensed out for growing cardamom thereon, so, however, that in respect of any land so licensed out, the Lessee shall pay rent at the rate of fifteen rupees per acre but shall not realise from the licensee any fees exceeding by more than twenty-five per cent, the amount of rent so payable by him.

(13) (a) That the Lessee shall not transfer, whether in full or in part, or club or amalgamate tea gardens without the formal sanction of the Collector:

<sup>7</sup>Provided that except in cases where the provisions of the West Bengal Alienation of Land (Regulation) Act, 1960 (West Bengal Act XVI of 1960), apply, no such sanction shall be necessary for equitable mortgage of a tea garden with a Scheduled Bank by the deposit of title deeds. All such equitable mortgages shall, however, be reported to the Collector immediately.

(b) That the lease-hold interest shall be heritable.

(c) That in the case of a transfer of such lease-hold interest, whether in full

or in part, the same shall be subject to the provisions of any law for the time being in force and applicable thereto and also subject to prior consent of the Collector.

- (d) That every transfer, whether in full or in part or succession by inheritance, or clubbing or amalgamation shall be registered in the Collector's office within two months of the date of transfer or succession or clubbing or amalgamation.
- <sup>8</sup>[(dd) That the transferee, other than by inheritance, shall be required to enter into a fresh lease on payment of *salami*, at the rate laid down in paragraph 1B of Schedule F within three months of expiry of the unexpired period of lease].
- (e) That if the transferee or successor by inheritance or the person clubbing and amalgamating the garden fails so to register the transfer or succession or clubbing or amalgamation, the Collector may at his discretion impose such fine not exceeding <sup>9</sup>[Rupees 20,000] as may appear to him reasonable.
- <sup>10</sup>[(13A) That the running of tea garden without valid lease agreement shall not be permissible and the Collector may, in his discretion, impose such fine, not exceeding Rs.500 per day, as the Collector may determine for unauthorised operation of a tea garden.]
- (13B) That if the Lessee fails to utilise the land for the purpose it was leased out, the Collector may, after giving the Lessee an opportunity of being heard, determine the lease.]
- (14) (a) That the Lessor may, without prejudice to any other right or remedy hereunder, forthwith determine this lease on breach of the provisions of clause 2 or clause 12 hereof.
- (b) That on breach of the provisions of clause 3 hereof, the Lessee/Lesseees shall on demand pay forthwith to the Collector such fine, not exceeding <sup>11</sup>[Rs. 100] for every day during which such breach continues subject to a maximum of <sup>12</sup>[Rs. 5,000] in the aggregate, as the Collector may determine.
- (c) That on breach of the provisions of any of the clauses Nos. (5), (6), (10) and (11) hereof <sup>13</sup>[except sub-clause (e) of clause (6)], the Lessee/Lesseees shall pay forthwith to the Collector such fine, not exceeding <sup>14</sup>[Rs. 500] for every day during which such breach continues, subject to a maximum of <sup>15</sup>[Rs. 20,000] in the aggregate, as the Collector may determine.
- <sup>16</sup>[(cc) That on breach of provisions of sub-clause(e) of clause (6), the Lessee/Lesseees shall pay, on demand, to the Collector a fine of Rs. 5,000 for every tree felled. The tree/trees felled illegally without prior permission of the State Government shall be forfeited by the Collector.]
- (d) That if any breach of the terms and conditions hereof continues even after the levy of the maximum fine hereinbefore provided in respect thereof, this lease shall forthwith be determined.

- (15) That on the expiration of the period of the lease or earlier determination thereof, the Lessee/Lesseees shall forthwith make over quite vacant and peaceable possession of the said lands and hereditaments to the said Collector on behalf of the Lessor.
- (16) (a) That the Lessee/Lesseees shall be entitled to the renewal of this lease for a further period of 30 years and to successive renewals for similar periods, subject to the rules and the terms and conditions of this lease and to such other terms and conditions as the State Government may, from time to time, consider it necessary to impose and include in such renewed lease or leases and subject further to such rent as may then be fixed, provided that such additional terms and conditions shall not be inconsistent with the law regulating such leases and shall not have retrospective effect.
- (b) That all arrears of rents, costs, fines and other monies payable by the Lessee/Lesseees hereunder and all expenses in connection with inspections, survey and measurements may be recovered as a public demand under the Bengal Public Demands Recovery Act or any statutory modification thereof for the time being in force.
- (c) That if at any time the lands and hereditament cease to be used by the Lessee/Lesseees as a tea gardens, the lease shall be determined forthwith.

#### Schedule I

(Here set out a full description of the lands with reference to a plan, if any.)

#### Schedule II

- (1) Coal, minerals, precious stones and stone and quarries of every kind and all rights of way and other reasonable facilities as may be required for working, getting and carrying away the same.
- (2) All rights of fishery in the streams, tanks and other waters on the said demised lands.
- (3) A public and general right of way for all purposes over a strip of land 20 yards in width on both banks of every stream available in the opinion of the Lessor at any time of the year for boat traffic.
- (4) Free access at all times for the public to all springs on the said demised lands which shall in the opinion of the Lessor be necessary for the public use.
- (5) A public and general right access of all public roads on the said demised lands, subject to the conditions that no easement can be claimed by the public in respect of the roads and that the Lessee shall have right on reasonable ground to temporarily close or to divert such roads.
- (6) Rights of ingress and egress over the demised lands for all persons including the State Government to and from all lands surrounded by the demised lands as may be possessed by any such persons or the State Government.

IN WITNESS WHEREOF the parties to these presents have hereunto set and subscribed their respective hands the day, month and year first above written.

SIGNED for and on behalf of the Governor of West Bengal by

In the presence of :

Signed by the said in the presence of :—

The Common Seal of

Limited has been affixed hereto

By

and

the

Directors thereof who have also affixed their signatures hereto as such in the presence of:—

1. Inserted by Notification No. 5362-L. Ref., dated the 2nd May, 1962.
2. Inserted by Notification No. 748-L. Ref., 6M-12/93, dated 1st June, 1994.
3. Substituted by Notification No. 11468-L, Ref., 9th Sept., 1971.
4. Clause (4) renumbered as (4)(a) by Notification No. 3442-L. Ref., dated 24.2.1967.
5. Inserted by Notification No. 3442-L. Ref., dated 24th February, 1967.
6. Inserted by Notification No. 9876-L. Ref., dated 9th June, 1964.
7. Inserted by Notification No. 8082-L. Ref., dated 8th May, 1967.
8. Inserted by Notification No. 748-L. Ref., 6M-12/93, dated 1st June, 1994.
9. Substituted, *ibid.*
10. Inserted, *ibid.*
11. Substituted, *ibid.*
12. Substituted, *ibid.*
13. Inserted, *ibid.*
14. Substituted, *ibid.*
15. Substituted, *ibid.*
16. Inserted, *ibid.*