

WEST BENGAL ACQUISITION OF HOMESTEAD LAND FOR AGRICULTURAL LABOURERS, ARTISANS AND FISHERMEN RULES, 1976¹

Notification No. 1690-CDP—2nd March, 1976.—In exercise of the power conferred by section 15 of the West Bengal Acquisition of Homestead Land for Agricultural Labourers, Artisans and Fishermen Act, 1975 (West Bengal Act XLVII of 1975) and in supersession of the notification No. 10102—CDP., dated the 29th September, 1975, published in the "*Calcutta Gazette Extraordinary*", dated the 1st October, 1975, the Governor is pleased hereby to make the following rules for carrying out the purposes of the said Act, namely :

1. Short title and commencement.—(1) These rules may be called the West Bengal Acquisition of Homestead Land for Agricultural Labourers, Artisans and Fishermen Rules, 1976.

(2) They shall come into force from the date of their publication in the *Official Gazette*.

2. Definitions.—(1) In these rules unless the context otherwise requires,—

(a) "the Act" means the West Bengal Acquisition of Homestead Land for Agricultural Labourers, Artisans and Fishermen Act, 1975;

(b) "Collector" means the Collector of a district containing the area as to which the Act extends and includes an Additional District Magistrate, and also any Sub-divisional Officer, Special Land Acquisition Officer, Sub-divisional Land Reforms Officer, Deputy Magistrate and Deputy Collector or Block Development Officer appointed by the State Government to discharge any of the functions of a Collector under the Act, and

(c) "section" means a section of the Act.

3. Power to enter upon land to make survey and demarcation.—

(1) The Collector, or any other officer authorised by the Collector in this behalf, may, at any time between sunrise and sunset, enter upon any land which has vested in favour of an occupier under section 4, with such officers and workmen as he considers necessary and make a survey and take measurements of that land for the purpose of determining the area in possession of the occupier and for demarcating such land.

(2) A plan of the land shall be prepared and kept with the case record.

4. Procedure for inviting claims for compensation.—(1) Where a land has vested in favour of an occupier under section 4, the Collector shall by individual notice require all owners of that land to submit to him by a fixed date, not being earlier than fifteen days from the date of such notice, the nature of their respective interest in the land and the amount and particulars of their claims to compensation for such interest.

1. Published in the *Calcutta Gazette, Extraordinary*, Part I, No. 398, dated 2.3.1976.

(2) The service of a notice referred to in sub-rule (1) shall be effected :

- (a) by delivering or tendering copy thereof endorsed by the Collector, to the person on whom the order is to be served or his agent, or
- (b) by fixing a copy thereof on the outer door or in a conspicuous part of the house in which the person on whom the order is to be served ordinarily resides or carries on business or personally works for gain, or
- (c) by sending the same to the person on whom the order is to be served by registered post with acknowledgement due, or
- (d) by fixing a copy thereof in a conspicuous part of the land to which the order relates and also in a conspicuous place of the office of the Collector.

5. Manner of determining annual revenue or rent.—For the purpose of assessing the amount of compensation, if any, payable under section 5 in respect of a land which has vested in favour of an occupier under section 4 the Collector shall determine the annual revenue or rent, as the case may be, of the land,—

- (a) if the land vested comprises an entire agricultural holding or non-agricultural tenancy, at such rate as the owner was paying immediately before the acquisition of the land;
- (b) if it is a part of the holding or tenancy, at such rate as bears the same proportion to the revenue or rent, which was being paid for the holding or tenancy immediately before the vesting of the land, as the area of the land vested bears to the area of the holding or tenancy;
- (c) if no revenue or rent was payable in respect of the holding or tenancy as the case may be, immediately before the vesting of the land, at such rate as may be deemed proper having regard to the revenue or rent that is generally being paid for lands of similar description and with similar advantage in the vicinity.

6. Procedure for payment of compensation.—(1) The Collector shall, if he finds not more than one owner of a land which has vested in favour of an occupier under section 4, require such owner by a notice to appear personally or by a duly authorised agent on a specified date to receive payment of compensation.

(2) If the Collector finds more owners than one of the land vested, he shall make an order apportioning the compensation among such owners in accordance with the nature and extent of interest held by each such owner and required them by a notice to appear personally or by a duly authorised agent on a specified date to receive payment of compensation.

(3) In case any owner or owners referred to in sub-rule (1) or sub-rule (2) fail to appear on the due date, the Collector shall keep the amount of compensation in revenue deposit and inform the owner or owners to whom the payment is due that the amount kept in revenue deposit may be withdrawn and paid to him or them in the same manner as money in revenue deposit is ordinarily paid.

7. Settlement of dispute.—The Collector shall give reasonable opportunity to an owner to represent his case, and if any dispute is raised the Collector shall after considering the evidence, if any, dispose of the same.

8. Conferment of title of land.—The Collector shall confirm the title of the land which has vested in an occupier under section 4, by a document in favour of that occupier in the form appended below :—

FORM OF DOCUMENT FOR CONFERMENT OF TITLE

Whereas by virtue of enforcement of the provisions of section 4 of the West Bengal Acquisition of Homestead Land for Agricultural Labourers, Artisans and Fishermen Act, 1975, the land described in the Schedule below stands acquired by the State Government and also stands transferred to and vested, absolutely in favour of the occupier/occupiers.

Now, therefore, this document be issued in favour of the said..... as a token of the title to the land since vested in him/her/them.

Schedule of Land

(Boundaries or in areas cadastrally surveyed, cadastral survey plot Nos. of the Settlement in which the land is comprised)

North :
South :
East :
West :

Signed and sealed
Collector.

By order of the Governor,
Sd/- A. R. Bose.

Dy. Secy, to the Govt. of West Bengal.

GOVERNMENT OF WEST BENGAL

Panchayats and Community Development Department

Community Development Branch

Raj Bhaban

No. 455 RH/

Calcutta, the 29th September, 1980

NOTIFICATION

In exercise of the power conferred by clause (c) of section 2 of the West Bengal Acquisition of Homestead Land for Agricultural Labourers, Artisans and Fishermen Act, 1975 (West Bengal Act XLVII of 1975), the Governor is pleased hereby to appoint all the Deputy Magistrates and Deputy Collectors, the Sub-divisional officers, the Special Land Acquisition Officers, the Sub-divisional Land Reforms Officers, the Junior Land Reforms Officers and the Block Development Officers to discharge with their respective jurisdiction any of the functions of a Collector under the said Act.

By order of the Governor

Sd/- J. K. Bandhu

Dy. Secretary to the Government of West Bengal.

GOVERNMENT OF WEST BENGAL
Department of Panchayats & Community Development
Community Development Branch
Raj Bhaban

No. 430 RH/

Calcutta, the 29th December, 1984

NOTIFICATION

In exercise of the power conferred by clause (c) of section 2 of the West Bengal Acquisition of Homestead Land for Agricultural Labourers, Artisans and Fishermen Act, 1975 (West Bengal Act XLVII of 1975), and in continuation of this department notification No. 455 RH dated the 29th September, 1980, the Governor is further pleased hereby to appoint all the Settlement Officers, Settlement Charge Officers, *Special Revenue Officers Gr. II and Kanungos Grade I and Grade II* to discharge within their respective jurisdiction any of the functions of a Collector under the said Act.

By order of the Governor

Sd/- J. K. Bandhu

Dy. Secretary to the Government of West Bengal.

GOVERNMENT OF WEST BENGAL
Panchayat and Community Dev. (C.D.) Department
Raj Bhaban

No. 229 RH/

Calcutta, the 16th July, 1985

NOTIFICATION

In exercise of the power conferred by clause (c) of section 2 of the West Bengal Acquisition of Homestead Land for Agricultural Labourers, Artisans and Fishermen Act, 1975 (West Bengal Act XLVII of 1975), and in continuation of this department notification Nos. 455 RH, dated the 29th September, 1980 and 430 RH, dated the 29th December, 1984, the Governor is further pleased hereby to appoint all the District Land and Land Reforms Officers and Settlement Officers, Deputy District Land and Land Reforms Officers, Sub-divisional Land and Land Reforms Officers, Block Land & Land Reforms Officers and *Member of the Subordinate Land Revenue Service, Grade I* to discharge within their respective jurisdictions any of the functions of a Collector under the said Act.

By order of the Governor

Sd/- J. K. Bandhu

Dy. Secretary to the Government of West Bengal.