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To
The Land Reforms Commissioner
&
Secretary
L. & L.R. & R.R. & R. Department
West Bengal

Sub: Regarding Mutation & Warish Cases disposal

Madam,

We as an Association have observed that of late the Government is pursuing the citizen centric services meted out by our department with alarming prowess. We welcome the vigilant eye of the higher officials in this regard. At the outset we will like to state that a month have gone by but we have not fluttered a word with regards to the sudden and to some extent inhuman pressure being put upon our cadre members. We are used to work in deficient conditions with utmost sincerity but still receive abuses of administrative and political authorities for quite some long. Recently against the tide we are seeing press notes that our department is working like never before and truly serving the common people. The onus of change in public rhetoric goes to your august end and we are thankful for it. Despite all these we are duty bound to bring into your knowledge and remind you certain facts and as we feel:-

a) The Quick disposal and its effect on people

If the huge disposal is introspected it will be seen that about (45 to 50) % of all cases have been rejected. We feel that mostly those cases which are duplicate or doubly entered may be rejected. Apart from the above some cases which do not have proper documents or in other documents does not justify the claim may be rejected by the official (Quasi judicial authority) concerned.

With the pressure being exerted from top the quasi judicial authority could not apply his mind. He / She has in a go determined the fate of the applications without giving a second thought.

As we perceive (45 to 50)% of the cases that have been rejected may not have been rejected. A second thought was due. It is true that in most cases mutation fee has been waived. But the process of online filing is still not that user friendly and people in general takes the help of a middle man in this regard and naturally who does it for his client but for a price. In case of rejection such amount paid by the common citizen gets wasted.

Now as we feel about 25 % of the cases that have been rejected were due for a second thought. After such cases have been rejected the aggrieved persons will be forced to file an Appeal before District land & land reforms Officer who is the Appellate authority under section 54 of W.B.L.R Act. If we observe the time gap for disposal of an Appeal case we will find that the learned Appellate authorities takes a minimum of 1 year to dispose the petitions. This is also because the procedure followed as per legal norms like service of notices and copies of petitions to both parties, preliminary hearing for delay condonation, enquiry from block level officials (when required) takes time.

So if 25 % of the cases which have been disposed during these period are appealed against it will create a huge burden and pressure. To add, with increase in the pendency of Appeal cases sufferings of citizen will increase.

b) The quick disposal and its effect on our cadre members.

The Revenue officers and B.L&L.R.Os do not have designated quarters. In most cases the officials ply from a distance and in many cases they stay far away from their near and dear ones for discharging their duties.

We have observed that vide verbal messages and order through whatsapp our cadre members are forced to work for more than 10 hours every day. Saturdays , Sundays and the Government holidays are not spared. The district authorities when asked are only saying that there is huge pressure and the pendency is to be made nil, which is practically impossible. The family and social life of our cadre members are getting affected badly.

We make an earnest appeal before your kind authority that please ensure proper resting time and break from work for our cadre members and please ensure it as per health rules and labour laws. We further request you to please not leave it upon district authorities. Most of the district authorities indiscriminately create huge pressure.

Now the average time required for disposal of mutation cases of different categories are as given below:-

- a) Accept a mutation case where 5 plots are involved with good connectivity and where hearing not required-4 minutes
- b) Accept a mutation case where 5 plots are involved with good connectivity and where hearing required-10 minutes
- c) Reject a mutation case where 5 plots are involved with good connectivity and where hearing not required-45 seconds
- d) Reject a mutation case where 5 plots are involved with good connectivity and where hearing required-6 minutes
- e) Accept or reject a case after enquiry-20 minutes

On an average 70 % of cases are required to be heard. If we consider that an official will dispose 60 cases a day then he/she will have to hear roughly 40 cases and going as per the above the time taken may be calculated as follows:-

- a) Accept a mutation case where 5 plots are involved with good connectivity and where hearing not required-total such cases-15-total time taken-60 minutes

- b) Reject a mutation case where 5 plots are involved with good connectivity and where hearing not required-Total such cases-5-total time taken-4 minutes
- c) Accept a mutation case where 5 plots are involved with good connectivity and where hearing required-Total such cases-30-total time taken-300 minutes
- d) Reject a mutation case where 5 plots are involved with good connectivity and where hearing required-Total such cases-10-total time taken-60 minutes
- e) Accept or reject a case after enquiry-Total such cases-5-total time taken-60 minutes
- f) Excepting the above, there are huge no. of Warish cases particularly in rural blocks involving large no. of plots. Disposal of such cases is also very time consuming particularly where distribution of share is unequal.

So if connectivity is good then disposal of 60 cases will take more than 8 hours working time. But the connectivity is a huge issue all over the state and hence it takes almost 10-12 hours to dispose 60 cases. If disposal is to be increased then:-

- a) Rejection rate will increase and or
- b) The work pressure will force the official to crumble after a few days.

The pendency of the cases cannot be attributed to the block officials only. We will not say that during covid the official works continued as per ideal but then also the spread of pandemic and the doldrums that resulted has in a way increased the pendency. When the pendency at South Bengal districts kept on leaping the officials languished in the districts of North Bengal and Purulia for long and far away from home. We as an Association have kept on murmuring the pain and agony of our officials, the authority heard but perhaps it was too late.

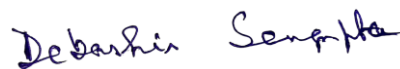
As an Association we feel that for effective functioning:-

- a) The rate of daily disposal to be kept at 50 per official at the most, for 4 days a week, i.e., 200 cases per week. The district authorities should strictly view and keep watch upon the number of cases rejected.
- b) The additional day to be utilised for various other works of the department and there should be proper appraisal of such works.
- c) B.L&L.R.O should keep himself free from mutation works, as he/she is heavily engaged with other mandatory works and public dealings.
- d) Officials are to be posted as per requirement of the blocks concerned, i.e., more pendency more officials. D.L& L.R.Os may be asked to review situation of each blocks after every quarter.

Hence, the Association is earnestly requesting you to look into the issues for betterment of public service in all respect.

Thanking you.

Sincerely yours,



(Debashis Sengupta)

General Secretary

West Bengal Land & Land Reforms Officers' Association