



**Government of West Bengal**

**Board of Revenue, West Bengal**

**Compendium of Instructions on  
Land Reforms**

**Volume III**

**Upto September, 1987**

**Silpabarta Printing Press Ltd. ( A Govt. of West Bengal Undertaking )  
25 & 27, Canal South Road, Calcutta-15  
1989**

## Preface

The Compendium of Instructions on Land Reforms Volume II was published by the Board of Revenue in 1980. An attempt has been made to incorporate in the present Volume, which is the third in the series, instructions issued by the Board since publication of the Second Volume.

2. Suggestions towards improvement of the Volume are welcome.

March 31, 1989  
Writers' Buildings,  
Calcutta-700 001.

Sd/- SHIVRAJ SINGH  
Land Reforms Commissioner,  
West Bengal.

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**GOVERNMENT OF WEST BENGAL**  
**Office of the Board of Revenue, West Bengal**  
Section—A (1), GE Branch

No 15393 (17)-GE  
222/86

Dated Cal. the 16. 9. 1987.

To  
The Addl. District Magistrate (IR),

Sub : Assignment of vested agricultural lands to the Panchayat Samitis for management.

Ref : L. & L. R. Deptt. Notification No. 476-L. Ref. Dt. 19. 6. 87.

The undersigned is directed to refer to the above and to state that several references have been received from the districts seeking clarifications on certain points regarding assignment of vested agricultural lands as they stood on 31. 3. 87 to the Panchayat Samitis for the purpose of management. The points raised have been carefully considered by the Govt. and the following clarifications are issued for the guidance of the field-officers ;

(1) All vested agricultural lands as stood on 31. 3. 87, whether fit or unfit for agriculture, and are not hit by any court injunction should be assigned to the Panchayat Samitis in terms of the Govt. Order.

(2) There may be lands which vested prior to 31. 3. 87 in respect of which distribution proceedings have already been started. Such lands should be similarly assigned to the Panchayat Samitis, if those have not already been distributed by this time by issue of Patta. In such cases, while assigning the lands, the stage of the distribution proceedings, viz. recommendation by the Sthayee Samiti, sanction by the S. D. O. etc. should be noted in the land schedule.

(3) The lands in respect of which proposals for departmental transfer have been initiated prior to 31. 3. 87 should not be assigned to the Panchayat Samitis. Such lands will continue to remain at the disposal of the Govt. for departmental transfer in due course. and

(4) Agricultural lands which have vested or will vest in the State after 31. 3. 87, should not be assigned to the Panchayat Samitis. Those lands will be distributed to the eligible beneficiaries in the usual manner.

It is requested that the above clarifications may be brought to the notice of all concerned for their guidance.

Dated, 17/9/87

A. K. Chakraborti  
Special Secretary,  
Board of Revenue, West Bengal and  
(ex-officio) Jt. Secy. to the Govt. of West Bengal  
L. & L. R. Department.

Memo No. 15394 (30)-GE

Date 16.9.1987

Copy forwarded for information and necessary action to :—

1. Land & Land Reforms Department of this Government.
2. Panchayat and C. D. Department, Panchayat Branch.
3. The Commissioner.....Division.
4. The Director of Land Records & Surveys, West Bengal, Gopal Nagar Road, Calcutta-27.
5. The District Magistrate, .....
6. The Settlement Officer,.....

Sd/- A. K. Chakraborti 17/9/87

Special Secretary,

Board of Revenue, West Bengal and (ex-officio) Jt. Secy. to the  
Govt. of West Bengal, L. & L. R. Department.

**GOVERNMENT OF WEST BENGAL**  
**Land & Land Reforms Department**  
Land Reforms Branch

**NOTIFICATION**

No. 476—L. Ref

Dated Calcutta, the 19th June, 1987.

A sizeable area of agricultural land vested under the provisions of West Bengal Estates Acquisition Act, 1953 and the West Bengal Land Reforms Act, 1955, but which could not be distributed, has been lying at the disposal of the State Government. For Sometime past, a proposal for assignment of these lands to the Panchayat Samitis for the purpose of maintenance and community use had been under consideration of the Government.

The undersigned is now directed to say that after careful consideration of the matter and also taking into consideration that rules in this regard have not yet been finally framed, the Governor has, in exercise of the powers conferred by Section 62 of the West Bengal Land Reforms Act, 1955 read with sub-section (2) of Section 52 of the W. B. L. Act, 1955, been pleased to direct that such undistributed vested lands as they stood on 31st March, 1987, and are not hit by any court injunction, shall be assigned by the Collector to the Panchayat Samitis within whose jurisdiction the lands are situated for the purpose of maintenance and community use subject to the following terms and conditions :—

- i) The lands so assigned shall continue to be the properties of the State Government in the Land and Land Reforms Department.
- ii) The Panchayat Samitis will be the agency of the Government for putting such lands to community use.
- iii) The Panchayat Samitis will hold the lands only for maintenance and community use and they will have no right to dispose of, transfer or alienate such lands in any manner whatsoever. In particular the Panchayat Samitis shall have no right to lease out such lands.



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- iv) The Panchayat Samitis shall not use such lands assigned to them in any manner that benefits only one or a few individuals, but shall be free to use them for all types of community purposes like social forestry, common grazing grounds etc. and for any other purposes beneficial to the community as a whole.
- v) The State Government shall be free to resume possession of any such land from the Panchayat Samitis, if such land is found to have been used for purposes other than those described herein, or at any time for any purpose that the Government may think fit.
- vi) Since the land would continue to be the property of the Land & Land Reforms Department the provisions contained in the West Bengal Land Management Manual, 1977 as are applicable, the existing Rules, if any, or any Rules that may be framed or any executive orders that may be issued by the Government in this behalf from time to time, would be applicable for the maintenance and use of such lands.

2. The Collectors of the districts shall prepare schedules of such lands mouzawise and Panchayat Samitywise as they stood on 31. 03. 87 for the purpose of assigning those lands to the Panchayat Samitis. The lands proposed to be assigned will be clearly described in the schedules in terms of the plot No., Khatian No, name of the mouza and J. L. No.

3. The concerned Junior Land Reforms Officers are hereby authorised to make over possession of the lands to the respective Panchayat Samity for the purposes hereinbefore mentioned

4. The work is to be completed by 31st August, 1987. A consolidated thana-wise list of lands of the district is to be sent to the Board of Revenue by 30th September, 1987.

5. All concerned may be suitably advised.

By order of the Governor,  
Sd/- P. K. Datta,  
Deputy Secretary to the  
Government of West Bengal.

No. 477 (48)-L. Ref.

Dated, Calcutta, the 22nd June, 1987.

Copy forwarded for information and necessary action to :—

- 1) The Commissioner, ..... Division, .....
- 2) The Director of Land Records & Surveys, West Bengal, 35, Gopalnagar Road, Alipore, Calcutta-27.
- 3) The Collector, .....
- 4) The Additional District Magistrate ( L. R. ), .....
- 5) The Settlement Officer, .....
- 6) The Panchayat & C. D. Department ( Panchayat Branch ) of this Government with the request to issue necessary instructions to the Panchayat Samitis.
- 7) The Board of Revenue, West Bengal.

Specimen form for handing over of undistributed vested lands is enclosed.

Sd/- Deputy Secretary to the  
Government of West Bengal

22/6/87

**FORM FOR MAKING OVER POSSESSION**

**PART—I**

In pursuance of orders contained in Land and Land Reforms Departments' No. ....  
 dated ..... the following plots of land as per schedule, annexed total area being .....  
 ..... acres, are hereby assigned to the Sabhapati .....  
 ..... Panchayat Samity.....  
 for the purpose of maintenance and Community use subject to the following conditions —

- 1) The lands being assigned for the maintenance and community use, will continue to be the property of the State Govt. in the Land and Land Reforms Department and the Panchayat Samity will have no proprietary rights on the lands.
- 2) The State Government shall be free to resume possession of any such land from the Panchayat Samity for any purpose that the Government may think fit.
- 3) The Panchayat Samity will be the agency for the Government for putting such land to community use.
- 4) The Panchayat Samity will hold the lands only for the maintenance and community use and will have no right to dispose of a transfer or alienate such lands in any manner whatsoever. In particular the Panchayat Samity will have no right to lease out such lands.
- 5) The Panchayat Samity shall not use such lands assigned to it in any manner that benefits only one or a few individuals but shall be free to use them for all types of community purposes like social forestry, common grazing ground etc. and for any other purposes beneficial to the Community as a whole.
- 6) Since the land would continue to be the property of the State Government in the Land and Land Reforms Department, the provisions contained in the West Bengal Land Management Manual 1977, the existing Rules if any, or any such Rules as may be framed or any executive order as may be issued, by the Government from time to time would be applicable to such lands.

Countersigned by

S. L. R. O. ....

Signature of J. L. R. O.....

for and on behalf of

Collector.....District.

**PART—II\***

**SCHEDULE OF LANDS**

Panchayat Samity.....		District/Sub-Division Thana				
Sl. No.	Mouza & J. L. No.	Khatian No.	Plot No.	Area	Classification	Remarks
1.						
2.						
3.						
4.						
etc.						
Total area for the Panchayat Samity.....						acres.

**Declaration of Acceptance**

I, Shri..... Sabhapati,

..... Panchayat Samity

hereby convey consent and acceptance without any reservation of the terms and conditions laid down in the aforesaid order and take over possession of the plots of land mentioned therein for maintenance and Community use thereof.

Signature.....

Sabhapati.....

Panchayat Samity.

Seal

Place .....

Date.....

**GOVERNMENT OF WEST BENGAL**  
**Office of the Board of Revenue, West Bengal**  
Section A (I), G. E. Branch.

Memo No. 8666-G. E.  
150/86

Calcutta, the 17th September, 1986.

From Shri B. B. Adhya,  
Special Officer & ( ex-officio ) Secretary  
Board of Revenue, West Bengal.

To  
The Secretary,  
Judicial Department.

Subject— Bar to registration of the document of transfer of land or interest in Urban agglomeration areas.

Sir,  
I am directed to invite your attention to the provisions of Section 4E of West Bengal Land Reforms Act ( as inserted under West Bengal Land Reforms Amendment Act, 1981 ) ( Copy enclosed for ready reference ) which runs as follow — “No transfer ( including sales in execution of a decree of a Civil Court or for recovery of arrears of land revenue of any land or interest in such land ) within an Urban agglomeration as defined in the Urban Land ( Ceiling and Regulation ) Act, 1976 or within any part of such Urban agglomeration as may be specified by the State Govt. by notification in the official gazette and used mainly for agriculture or as an orchard, without any order in writing of the Collector shall be valid and no registering authority shall, not with standing the provisions of the Registration Act, 1908, register a document of such transfer unless order of the Collector in writing permitting such transfer is produced.

Provided that an application made to the Collector for permission for any such transfer made of one's own motion for registration of transfer in execution of a decree of a Civil Court shall be disposed of by the Collector within sixty days of the filing of the application failing which it shall be within the rights of the registering authority to register the document of transfer.”

I would request you kindly to issue necessary instructions to the registering authorities whose jurisdiction's fall within the said Urban agglomeration areas so that the above bar to the registration of documents of transfer is properly observed.

An intimation to the Board of Revenue, about action taken at your end will be highly appreciated.

Yours faithfully,  
Sd/- Special Officer & ( ex-officio ) Secy.  
Board of Revenue, West Bengal.

Memo No. 8666/1(16)-G. E.

Copy forwarded for information and necessary to all Collectors.

2. While granting such permissions Collector may kindly see that the provisions of Urban Land ( C & R ) Act, 1976 are not in any way evaded by such transfer of land in the Urban agglomerations.

Calcutta,  
the 17th Sept. '86.

Sd/- Special Officer & ( ex-officio ) Secretary,  
Board of Revenue, West Bengal.

Memo No. 8666/2(76)-G. E.

Copy forwarded for information to the —

- 1) Inspector General of Registration, West Bengal.
- 2) Commissioner..... Division.....
- 3) Additional District Magistrate ( LR), .....
- 4) Sub-Divisional Officer,
- 5) Land and Land Reforms Deptt, ( ULC ), 12B, Russel Street, Calcutta.

Calcutta,  
the 17th Sept. 1986.

Sd/- Special Officer & ( ex-officio ) Secretary,  
Board of Revenue, West Bengal.

GOVERNMENT OF WEST BENGAL  
**Land and Land Reforms Department**  
Land Reforms Branch

NOTIFICATION

No. 190-L. Ref.

Calcutta, the 27th March, 1987.

In exercise of the powers conferred under the provisions of Section 62 of the West Bengal Land Reforms Act, 1955 ( West Bengal Act X of 1956 ) the Governor is hereby pleased to issue the following directions to be followed by the Collectors while disposing of the applications made under Section 4E of the Said Act —

1. Under the provisions of section 4E of the W. B. L. R. Act, 1955 registration of deeds of transfer of lands situated within urban agglomeration as defined in Urban Land ( C. & R. ) Act, 1976 or within any part of such urban agglomeration as specified therein without the Collector's written permission is barred. An application seeking such permission has, therefore, to be filed before the Collector.

2. It is, however, provided in section 4E of the W. B. L. R. Act that the Collector has to dispose of such application within sixty days of the filing of the application, failing which, the registering authority shall have the right to register the deed.

3. The policy of the State Government in enacting this provision of law is to secure that ownership and control of land are so distributed and that agricultural resources are so used as best to subserve the common good and to prevent concentration of property to the common detriment. Keeping these objects in view the Collector shall take into consideration the following points in dealing with and disposing of an application under section 4E of the Act and shall cause an enquiry to be made for the said purposes.

- i) Whether the land is situated within urban agglomeration as mentioned in section 4B of the Act and whether the land is used mainly for agriculture or as an orchard.
- ii) Whether the land is situated in an urban, sub-urban or the peripheral area of a town or by the side of any public property including road, drain, park, water area etc. so that the proposed transfer is likely to affect any development of the area/locality.
- iii) Whether the land is situated having regard to the surroundings that the proposed transfer would appear to be a colourable transfer of agricultural or orchard land and the future use of the land is likely to be other than agriculture or as an orchard.

For the purpose of this clause a declaration from the transferee that the character or nature of the land will not be changed except in accordance with law, may be obtained.

4. A copy of the Collector's decision of granting or refusing permission shall be forwarded within sixty days of the filing of the application by registered post A/D or hand delivery on receipt to the registering, settlement and Urban Land Ceiling authorities concerned for necessary action, if any, from their end. In view of the time frame of sixty days there should be a cell or earmarked staff in the L. R. Branch of the Collectorate to handle and dispose of such applications.

A specimen form of application for permission u/s 4E is enclosed.

By order of the Governor,  
Sd/- P. K. Datta,  
Deputy Secretary to the  
Government of West Bengal.

No. 191 (16)-L. Ref.

Dated Calcutta the 30th March, 1987.

Copy forwarded for necessary action to—

1. The Collector, .....

Sd/- Deputy Secretary to the Govt. of West Bengal.

No. 191 (16)/1 (31)-L. Ref

Calcutta, the 30th March, 1987.

Copy forwarded for information to the —

1. Secretary, Board of Revenue, West Bengal.
2. Commissioner,
3. Director of Land Records & Surveys, West Bengal, 35, Gopal Nagar Road, Calcutta.
4. Additional District Magistrate ( L. R. )
5. Settlement Officer,

30/3/87

Sd/- Deputy Secretary to the Govt. of West Bengal.

**Form of Application for Permission of the Collector for Transfer of any Land or Interest  
under section 4E of West Bengal Land Reforms Act, 1955.**

( To be submitted in triplicate )

COURT FEE OF Rs.

TO BE AFFIXED.

No.....

Date.....

Received..... at..... (Place)  
on..... ( date )

( Initial of the receiving Officer )

To  
The Collector, .....

Sir,

I request that permission under section 4E of West Bengal Land Reforms Act, 1955 for the transfer of the land mentioned below be granted.

The particulars in respect of the proposed transfer are given below 1—

1. Name of the applicant with full address :
2. Name of the transferor with full address :
3. Name of the proposed transferee with full address :
4. The particulars of the land proposed to be transferred 1—
  - 1) Plot No.
  - 2) Khatian No.
  - 3) Mauja.
  - 4) J. L. No
  - 5) Police Station.
  - 6) Area of the Plot.
  - 7) Area recorded in connected Khatian.
  - 8) Area of the plot proposed to be transferred.

5. Right and interest of the transferor on the land and the mode by which such right and interest accrued.
6. Classification of the land proposed to be transferred as per R. O. R. If the land is used as Orchard no. and kind of trees standing thereon.
7. Present use of the land proposed to be transferred.
8. Proposed use of the land by the proposed transferee.
9. Mode of proposed transfer of the land ( i. e. sale/gift/mortgage etc )
10. Quantum & Schedule of all kinds of lands including Homestead held by the transferor other than the land proposed to be transferred.
11. Name of the recorded tenant with Co-sharers, if any, of the land in item No. 4
12. Whether the land has been included in any return submitted by the transferor to the competent authority under Urban Land (C. & R ) Act 1976

J. L. No.

Mouza with P. S.

Khatian No.

Plot No.

Area

I do hereby declare that the particulars furnished above are correct and I am ready to furnish any other details as may be required by you.

Yours faithfully,

Place :

Date :

Signature of the applicant.

**GOVERNMENT OF WEST BENGAL**  
**Office of the Board of Revenue, West Bengal**  
 Section-A(I), G. E.-Branch

Memo No. 9854(16)-GE.  
352/86

Dated : Calcutta, 12.11.1986.

To  
The Collector,

Sub : Declaration of ceiling surplus fisheries land under W.B.L.R. (Amendment) Act, 1981-  
Apprehended change of land use and classification.

The undersigned is directed to say that a number of fisheries may be declared surplus on the implementation of the West Bengal Land Reforms (Amendment) Act, 1981 and such areas will vest in the state. There is an

apprehension that the owners may make attempts to change the existing land use pattern and convert substantial part of those areas into building sites or for purposes other than fisheries for financial gain.

The Collector is, therefore, requested to ensure a vigilant watch over the situation by the concerned administrative wings under the Collectorate and to take necessary steps against unauthorised change of such land classification/land use and report the position to the Board for taking further necessary action, if any.

The matter of framing the Rules as required under such amendment of the Act is under consideration of the Govt.

Sd/-  
Special Officer & (Ex-Officio)  
Secretary, Board of Revenue,  
West Bengal.

Memo No. 9854/1(76)-GE.  
352/86

Dated : 12.11.1986

Copy forwarded to —

- 1) The Land & Land Reforms Deptt .....
  - 2) The Commissioner, ..... Division.
  - 3) The Addl District Magistrate (L.R.) .....
  - 4) The Sub-Divisional Officer... ..
- for information and necessary action.

Sd/-  
Special Officer & (Ex-Officio)  
Secretary, Board of Revenue,  
West Bengal.

Government of West Bengal  
**Office of the Board of Revenue, West Bengal**  
Section—A 'I', G. E. Branch

No. 9051/17)-G.E  
246/87

Dated, Calcutta the 2nd July, 1987.

From : Shri A. K. Chakraborti, I.A.S.,  
Special Secretary, Board of Revenue, West Bengal.

To : The Addl. District Magistrate (LR),

Sub : Mutation in respect of lands within Moujas not yet finally published.

A reference is invited to decision No. (i) under item "Miscellaneous" of the proceedings of the meeting taken by the Minister-in-charge, Land & Land Reforms Deptt. with the Addl. District Magistrates (LR) and the District Compensation Officers on 28/05/87 at Council Chamber, Raj Bhaban, Calcutta, a copy of which has been forwarded to him under Board's Memo No. 7426(23) GE dated 12.06.87.



It was decided that in appropriate cases mutation may be allowed by the Addl. District Magistrate. By way of clarification, it is stated that the Addl. District Magistrates may, in their own discretion, allow mutation of lands situated in Moujas not yet finally published if such mutation is necessary in connection with setting up of industries, securing bank loans and such other purposes as the Additional District Magistrates may think appropriate for sanction of mutation having regard to the merit of the case. While taking such steps the Addl. District Magistrates shall keep the Board informed that mutation is being allowed by them under special circumstances in appropriate cases in respect of the lands located in Moujas under their jurisdiction.

This modifies, to the extent indicated above, the instructions of the Board conveyed under its Memo No. 8114(16)-G.E. dated 30.08.1986.

A. K. Chakraborti,  
Special Secretary,  
Board of Revenue, West Bengal.

Memo No. 9052 (28)-G.E.

Copy forwarded for information to :—

- 1) The Collector, .....
- 2) The Commissioner, ..... Division ;
- 3) Director of Land Records & Surveys, West Bengal ;
- 4) The Settlement Officer, .....
- 5) Land & Land Reforms Deptt. of this Government.

A. K. Chakraborty, 3/7/87  
Special Secretary,  
Board of Revenue, West Bengal.

Dated, Calcutta the 2nd July, 1987.

Government of West Bengal  
Office of the Board of Revenue, West Bengal  
Section—AI. G. E. Branch

No. 9163(16)-G.E.  
333/80

Calcutta, the 30th Sept. 1986.

To  
The Collector,  
.....

**CORRIGENDUM**

Sub : Mutation of names as a result of transfer or inheritance  
in terms of Section 50(a) of W.B.L.R. Act.

Please read 'Under' and 'Ref' in place of 'undersigned' and 'reference' respectively occurring in para 1 and 'Ref' in place of 'reference' occurring in para 3 of Board's Order No. 8114(16)-G.E. dated 30.8.86.

Sd/-  
Assistant Secretary,  
Board of Revenue, West Bengal.

Memo No. 9164(30)-G.E.

Copy forwarded for information to the :—

- 1) Commissioner, .....Divn.....
- 2) Addl. District Magistrate (LR),.....
- 3) Director of Land Records & Surveys, West Bengal.
- 4) Settlement Officer,.....R.S.O.
- 5) Land & Land Reforms Department.

Sd/-  
Assistant Secretary,  
Board of Revenue, West Bengal.

Calcutta, the 30th Sept. 1986

**GOVERNMENT OF WEST BENGAL**  
**Office of Board of Revenue, West Bengal**  
Section—AI, GE—Branch

No. 8114 (16)-GE  
333/80

Dated the 30th August, 1986

To  
The Collector,

Sub Mutation of names as a result of transfer or inheritance in terms of  
Section 50 (a) of W. B. L. R. Act.

The undersigned is directed to say that a question has arisen whether in view of insertion of Section 50A of W. B. L. R. Act by W. B. L. R. (Amendment) Act, 1981, mutation of names under section 50 (a) ibid can still be done in terms of G. O. No. 1728 (33) L Ref. dt. 14. 8. 80. In the opinion of the law officer of this Govt since specific provision has been made in the Act laying down that Section 50 shall not apply to any district or part of such district where Chapter VIIA has come into force, mutation can no more be allowed in terms of the said G. O. dated 14. 8. 80, in the district or part of such district where revisional settlement under section 51 is going on.

2. It should however, be borne in mind that there is no bar to effecting mutation under section 50(a) in a district or part of such district where final publication of records-of-rights under section 51A has been made.

3. The question of giving relief to the persons upon whose consideration G. O. No. 1728 (33) L Ref. dt. 14. 8. 80. was issued is under examination at Board's level as also in Land & Land Reforms Department. Further communication in this regard will follow. Pending that instruction under paragraphs 1 and 2 above should be followed.

All concerned may please be informed accordingly.

Sd/-

Special Officer & (ex-officio) Secretary,  
Board of Revenue, West Bengal.

Memo No. 8114/1(99)-G. E.

Copy forwarded for information to :

- 1) The Commissioner, ..... Division.
- 2) The Addl. Dist. Magistrate, (LR) .....
- 3) The District Land Reforms Officer, ..... ..
- 4) The Sub-Divisional Land Reforms Officer, .....
- 5) The Director of Land Records & Survey .....
- 6) The Settlement Officer, .....
- 7) The Land & Land Reforms Department .....

Sd/-

Special Officer & (ex-officio) Secretary,  
Board of Revenue, West Bengal.

**GOVERNMENT OF WEST BENGAL**  
**Office of the Board of Revenue, West Bengal**  
Section—A, G. E. Branch

No. 8226-(25)-G. E.

Calcutta, the 23rd September, 1986.

To

1. The Director of Land Records & Surveys, West Bengal
2. District Magistrate, .....
3. The Settlement Officer,  
..... R. S. O.

The undersigned is directed to say that the Govt. had been considering the question of laying down a policy regarding survey and settlement and distribution of other lands that have already appeared or may appear in future. After careful consideration of the matter the following decisions have been taken :—

1) Any land gained by gradual accession to a holding from the recess of a river should be treated as vested in the State Government irrespective of the Settlement records in respect of the said lands. In this connection the legal position regarding the land that suffers the processes of alluvion and diluvion of a river should be kept in mind. As per Section-11 of the West Bengal L. R. Act the right, title and interest of the raiyat shall subsist in a holding or portion thereof which is lost by diluvion during the period of loss, not exceeding 20 years and the raiyat shall on its reappearance, at any time within that the period, hold the possession thereof. As per Section—12 of the West Bengal L. R. Act any land gained by gradual access to a holding whether from the recess of a river or of the sea shall vest in the State Government and the raiyat who owns the holding shall not be entitled to retain such land as accretion thereto. Whether any Land gained by the process of accession

to a holding, should belong to a raiyat or to the Government is a question of fact which should be determined after a very close scrutiny.

2) After a new survey, to be conducted by the Directorate of Land Records & Surveys, West Bengal, and proper plotting, the question of distribution of such lands should be decided according to the formula given below :—

- a) 60% of the lands are to be distributed amongst the eligible persons on whose side the lands have appeared ;
- b) 40% of the lands should be distributed amongst the eligible persons of the other side ;
- c) This will be irrespective of the district boundary :
- d) The word 'locality' in section 49 of W. B. L. R. Act should be treated to include areas which are within a radius of 5 kilometer from which there is easier access to the land ;
- e) As regards preparation of records of alluvion lands, the concerned Settlement Officer must first inform the D. L. R. & S., West Bengal prior to the beginning of the Operation.

The above principles may please be strictly followed in the matter of surgery & Settlement and distribution of char lands.

Sd/-

Secretary,  
Board of Revenue West Bengal.

Memo No. 1226/1 (21)-G. E.

Copy forwarded for information to the :—

- 1) Commissioner,.....Divn. ....
- 2) Addl. District Magistrate ( LR ), .....
- 3) Land & Land Reforms Department.

Calcutta,  
the 23rd September, 1986.

Sd/-

Secretary,  
Board of Revenue, West Bengal.

GOVERNMENT OF WEST BENGAL  
Office of the Board of Revenue, West Bengal  
Section—A. L. G. E. Branch

No. 6275-G E  
358/85

Dated, Cal. the 1st August, 1986.

To  
The Addl. District Magistrate ( LR ),  
Midnapore.

Sub : Proposal for change of classification from Smasan and Bhagar  
to agricultural land.

Ref : His memo No. 3280-LRM Dated 4. 6. 85.

The undersigned is directed to say that Sec. 49 of the W. B. L. R. Act lays down the Principles of distribution of agricultural and homestead land. As the character of the land may change subsequently and in fact does often change, distribution of land by Collector can only be according to the changed position. Therefore, there is no legal bar to the Collector's distributing land featuring as 'Smasan' and 'Bhagar' in the settlement Records, though at the time of distribution there may be no existence of 'Smasan' and 'Bhagar'. However, Collector should not extinguish any public right of easement featuring in the settlement record and due care should be given as envisaged in Board's Order No. 8335 (12)-GE dated 27. 4. 65. But if he decides to distribute any land recorded as 'non-agriculture' but subsequently converted to agricultural character by user, Collectors should keep the settlement wing informed so that the necessary change in classification may be made by the latter at the appropriate stage of L.R. Settlement work.

The right of public easement, if any, subsisting on any such land, should be extinguished by Settlement wing.

Sd/-  
Special Officer & (ex-officio) Secretary,  
Board of Revenue, West Bengal.

Memo No. 6275/1 (28)-GE

Copy forwarded for information to the :—

1. The Commissioner,..... Division,.....
2. The Collector,.....
3. The D. L. R. & S., West Bengal with reference to his u/o. note dated 16. 12. 85 in Board's file No. 358/85-GE
4. The Settlement Officer,.....

Dated, Calcutta,  
the 1st August 1986.

Sd/-  
Special Officer & (ex-officio) Secretary,  
Board of Revenue, West Bengal.

**Government of West Bengal**  
**Office of the Board of Revenue, West Bengal**  
Section—A(I) : 'G. E.'—Branch

No. 6785(16)-G E.  
150/86

Calcutta, The 16th August, 1986.

To  
The Collector,  
.....

Sub : Permission for change of area, character or use of land.

The undersigned is directed to say that in terms of Section 4C(2) of the West Bengal Land Reforms Act ( as inserted under W.B.L.R. Amendment Act, 1981 ), Collectors have been empowered to grant permission for change of area or character of any land held by a raiyat or for conversion of the same for any purpose other than the purpose for which it was settled or being previously used or for alteration in the mode of use of such land on application being made by the raiyat to the Collector. It is also laid down therein inter alia, that the Collector may after making such enquiry as may be prescribed and after giving the applicant or the persons interested in such land or affected in any way, an opportunity of being heard by an order in writing either reject an application or direct such change, conversion or alteration, as the case may be, on such terms and conditions as may be prescribed.

2. It is accordingly enjoined that henceforth the Collectors shall permit or reject as the case may be, conversion, change, alteration etc. of lands in terms of section 4C(2) *ibid*. Rules are being framed prescribing the terms and conditions for the guidance of the Collectors in the matter. Pending that, the Collectors are requested to observe the following while granting such conversion, alteration etc.

a) Section 4C(3) of W.B.L.R. Act ( as inserted under W.B.L.R. Amendment Act, 1981 ) provides that the Collector shall specify the date from which such change, conversion or alteration shall take effect. Accordingly the Collector should hold careful enquiry and ascertain with reasonable accuracy, the date from which such change, conversion or alteration may be allowed.

b) In many cases land is transferred by the holder to another person who applies for the change of character of land. In such cases the Collector should very carefully enquire and ascertain whether this change or conversion etc. has taken place from a date prior to the date of sale.

c) It is found that the change of character of land has taken place from a date prior to the date of sale, a careful enquiry should be made to ascertain if on account of such change of character of land ( e.g. from 'Orchard' to 'non-agricultural land' ) the same comes under the ceiling provision of any Act for the time being in force [ e.g. Urban Land ( Ceiling & Regulation ) Act ]. In this connection provisions under section 4E *ibid* should also be looked into.

d) Enquiry should also be made to ascertain whether the original holder i.e. the vendor holds land beyond the ceiling provision of any law for the time being in force. Great care should be taken to ensure that the vendor is not allowed to transfer the land for evading any ceiling provision. It should also be seen whether the petitioner comes with the purview of any ceiling provision after conversion etc. is allowed.

e) Action as laid down in section 4C(4) ibid should be taken immediately on an order of conversion being passed.

3. In this connection Collector's attention is drawn to the change of definition of 'land' and 'raiyat' made in the W.B.L.R. Amendment Act, 1981 as also to the substitution of original section 4B by a new section 4B which are relevant to the cases of conversion, alteration etc. under section 4C.

4. Collectors should also bear in mind that section 72 of the Non-Agriculture Tenancy Act stands repealed vide section 63 of the W.B.L.R. Amendment Act, 1981. So, all orders for conversion, alteration etc. of any kind of land have to be passed under section 4C.

5. All previous instructions in this respect stand superseded.

Sd/-  
Spl. Officer & (ex-officio) Secretary,  
Board of Revenue, West Bengal.

Memo No. 6785/1 (155)-G.E.

Copy forwarded for information to :-

- 1) The Commissioner, ..... Division, .....
- 2) The Director of Land Records & Surveys, West Bengal.
- 3) The Addl. District Magistrate (L.R.), .....
- 4) The Settlement Officer, .....
- 5) The Dist. Land Reforms Officer, .....
- 6) The Sub-divisional Land Reforms Officer, .....
- 7) The Sub-divisional Officer, .....
- 8) The Land & Land Reforms Department, West Bengal.
- 9) The Land & Land Reforms Department, U.L.C. Branch, 12B, Russel Street, Calcutta.

Sd/- Special Officer & (ex-officio)  
Secretary,  
Board of Revenue, West Bengal.

Calcutta, The 16th August, 1986.

GOVERNMENT OF WEST BENGAL  
Land & Land Reforms Department  
Land Reforms Branch

No. 278-L. Ref.

Calcutta, the 11th March, 1986.

From : The Deputy Secretary to the Govt. of West Bengal.

To : The Additional District Magistrate ( Land Reforms ), 24-Parganas South.

Sub : Applicability of the provisions of the West Bengal Non-Agricultural Tenancy Act, 1949 to the areas comprised within the erstwhile municipalities of Jadavpur, South-Suburban and Garden Reach since included into the Corporation of Calcutta.

The question as to whether the provisions of the West Bengal Non-Agricultural Tenancy Act, 1949 is applicable to the areas which were comprised within the earstwhile municipalities of Jadavpur, South-Suburban and

Garden Reach of the district of 24-Parganas has been thoroughly examined by this department. The observations of the Special Officer (Law) and Joint Secretary of this department is quoted below for information and guidance.

“After inclusion of the municipal areas of Jadavpur, Behala and Garden Reach of 24-Parganas within Calcutta Corporation the Thika Tenancy (Acquisition and Regulation) Act, 1981 has been amended which applicability of this Act to these areas have been excluded. Thus the Calcutta Thika Tenancy (Acquisition and Regulation) Act, 1981 does not apply to the areas under Jadavpur, Behala and Garden Reach though these areas have come within Calcutta Corporation. Thika Tenancy Act, 1949 did not include these areas because this Act was extended to Calcutta as defined in the Calcutta Municipal Act, 1923 subsequently replaced by Calcutta Municipal Act, 1981. In these two Calcutta Municipal Acts the areas within Jadavpur, Behala and Garden Reach were never included. According to the provisions of Non-agricultural Tenancy Act it extends to the whole of West Bengal except the areas to which the provisions of Calcutta Thika Act, 1949 apply. Therefore, by inference this Act is applicable to the areas under Jadavpur, Behala and Garden Reach and also shall continue to apply in spite of the amendment of the Calcutta Municipal Act.

It may, however, be pointed out in this connection that since the Calcutta Thika Tenancy Act, 1949 has been repealed and has been replaced by Calcutta Thika Tenancy (Acquisition and Regulation) Act, 1981 section 1(2) of the Non-Agricultural Tenancy Act, 1949 requires to be amended to replace the words “Calcutta Thika Tenancy Act, 1949” by the words “Calcutta Thika Tenancy (Acquisition and Regulation) Act, 1981”

Steps are being taken to amend section 1(2) of the West Bengal Non-Agricultural Tenancy Act, 1949 as advised by Special Officer (Law) and Joint Secretary.

Sd/- B. D. Adhya,  
Deputy Secretary to the  
Govt. of West Bengal.

GOVERNMENT OF WEST BENGAL  
Office of the Board of Revenue, West Bengal  
Section—AI, G. E. Branch

No. 1980(16)-G. E.  
519/85

Dated, Calcutta the 3rd March, 1980

To The Collector,  
.....

Sub : Conversion of agricultural lands to tank fisheries on proposals sponsored by Sundarban Dev. Board/D.R.D.A./F.F.D.A. etc.

The undersigned is directed to say that the raiyats who are converting their agricultural lands into tank fisheries for the purpose of pisciculture are required to produce conversion certificate for obtaining loans under the different schemes for development of fishery. Formal conversion under section 72 of West Bengal Non-agricultural Tenancy Act, 1949 is required.



Act is a time-consuming process and development of fishery may be hampered due to non-availability or delayed availability of such conversion certificate.

In that view of the matter, it has been decided by the Board of Revenue that in the matter of the non-brackish water fishery, the following course of actions should be taken before granting loans to the beneficiaries under the different schemes of pisciculture development :—

(i) No conversion certificate will be necessary where there is physically a tank and it has been recorded as such in the records-of-Rights.

(ii) In other cases where a tank has already been dug on a piece of agricultural land for the purpose of pisciculture or a tank is proposed to be dug, the bank authorities may advance loan if they are satisfied that the beneficiary concerned has applied to the appropriate authority for conversion. In other words, the beneficiary will have to submit to the banks along with his loan application evidence that he has applied for conversion of his agricultural land into a non-agricultural tenancy U/s. 72 of W. B. Non-agricultural Tenancy Act.

(iii) The question as to which one is a brackish water fishery or which is a non-brackish water one, will be decided by the Board of Revenue.

All concerned may please be informed accordingly.

Sd/-

Secretary,  
Board of Revenue, West Bengal.

Memo No. 1980/1(24)-G. E.

Copy forwarded for information to the :—

1. Secretary, Fisheries Department ;
2. Commissioners,.....Division, Calcutta ;
3. Addl. District Magistrate ( L. R. ).....
4. Chief Officer, Rural Credit and Convenor,  
Sub-Committee of S. L. B. C. on Agriculture & Allied Activities, West Bengal,  
United Bank of India, 16, Old Court House Street, Calcutta-1.
5. Secretary, Irrigation & Waterways Department.

Dated, Calcutta,  
the 3rd March, 1986.

Sd/-

Secretary,  
Board of Revenue, West Bengal.

**GOVERNMENT OF WEST BENGAL**  
**Office of the Board of Revenue, West Bengal**  
Section—A-I, G. E. Branch

No. 10267 (17)-G. E.  
435/85

Dated, Cal. the 16th Sept. 1985.

To The Addl. District Magistrate ( LR ),.....

Sub : Collection of Govt. dues by the Bhumi Sahayaks.

A reference is invited to the discussions in the Seventh Workshop on Land Reforms held on August 5-6, 1985.

A review in the Workshop revealed that there has been appreciable decline in collection of land revenue and cesses ( lowered down ) in 1391 B. S. in comparison with 1390 B. S. Recovery of loans was found to be practically nil.

The Tahsildars have since been absorbed as full-fledged Govt. employees. It was expected that on their absorption as Bhumi Sahayaks, the position relating to collection would improve. But unfortunately the trend is to the contrary.

It has, therefore, been decided that the A. D. Ms would personally see that the Bhumi Sahayaks earnestly engage themselves in the collection of land revenue and cesses and recovery of loan specially during the peak collection season from Poush to Chaitra of every Bengali year on the basis of their old collection circles now. Any lapse on the part of the Bhumi Sahayaks in this regard will be viewed with considerable concern by the Govt.

Frequent inspection by D. L. R. Os, sub-divisional and District level officers should be ensured to keep up the tempo of work.

A. K. Chakraborti.  
Special Officer & ( ex-officio ) Secretary,  
Board of Revenue, West Bengal.

Memo No. 10267/1 (132)-G. E.

Copy forwarded for information to :—

1. The Commissioner,..... Division,.....
2. The Collector,.....
3. The sub-divisional Officer,.....
4. The D. L. R. & S., West Bengal.
5. The Sub-divisional Land Reforms Officer,.....

Dated, Calcutta,  
the 16th Sept. 1985.

A. K. Chakraborti  
Special Officer & ( ex-officio ) Secretary,  
Board of Revenue, West Bengal.

**GOVERNMENT OF WEST BENGAL**  
**Office of the Board of Revenue, West Bengal**

No. 10789 (35)-G.E.

Dated, Calcutta, the 5th October, 1985.

From : Shri S. P. Mallik,  
Land Reforms Commissioner,  
Govt. of West Bengal.

To : (1) The Commissioner,.....  
(2) The Collector,.....  
(3) The Addl. District Magistrate ( L. R. ),.....

Subject : Inspection of Revenue Officers of the districts, Land Reforms Circle  
offices and Misc. Revenue Departments.

A reference is invited to the Inspection Manual, 1980, published under the authority of the Board of Revenue laying down the rules for inspection of the above mentioned offices by the Commissioners, District Officers and Sub-divisional Officers. It is felt that inspection of offices at all levels are not being held regularly according to the rules causing deterioration in the functioning of the said offices. The matter was discussed in the seventh workshop on Land Reforms held on 5th and 6th August, 1985 and the need for inspection of the said offices at all levels emphasised.

It is, therefore, enjoined that the Commissioners, A. D. M.s ( LR ) and Sub-divisional Officers should take up inspection of the offices in accordance with the rules laid down in the Inspection Manual, 1980 and send inspection reports to the Board regularly. A.D.M.s (LR) should tour at least 10 days in a month.

In this connection, attention of A.D.M.s ( LR ) is invited to Board's memo no. 12341(33) G. E. dated 10. 7. 78 regarding inspection of Circle Offices by the A. D. M.s (LR) and other supervisory officers. It is hardly necessary to overemphasise the need for regular supervision of the Circle Offices. Inspection as per principles laid down therein may please be held by the respective officers and reports sent to Board.

Further to this, Board of Revenue in its memo. No. 5358 (17) GE dated 2. 6. 84 sent instructions for inspection of Circle Offices by the S. L. R. O.'s. It was enjoined therein that A. D. M.s would send report in the prescribed proforma about inspection of Circle Offices by S. L. R. O.'s twice in a year. No report in respect of the first part ( January to June ) of this year has yet been received. A. D. M.s are, therefore, requested to see that such inspections are held by S. L. R. O.'s and reports sent to Board.

Sd/- Land Reforms Commissioner,  
Govt. of West Bengal.

Memo No. 10789 /1 ( 52 ) GE

Copy forwarded to the :—

1) Sub-divisional Officer,.....for information.

Calcutta,  
The 5th October, 1985.

Sd/- Secretary,  
Board of Revenue, West Bengal.

**GOVERNMENT OF WEST BENGAL**  
**Office of the Board of Revenue, West Bengal**  
Section—A. I. G. E. Branch

No. 10264(26)-G.E.  
435/85

Dated, Cal. the 16th Sept., 1985.

To

- 1) D. L. R. & S., West Bengal.
- 2) Addl. District Magistrate (LR),.....
- 3) The Settlement Officer,.....

Sub : Implementation of the West Bengal Acquisition of Homestead Lands  
for Agricultural Labourers, Artisans and Fishermen Act, 1975.

A reference is invited to the discussions in Seventh Workshop on Land Reforms held on August 5-6, 1985.

A review of the progress should that in some districts specially in the district of Burdwan recording of the beneficiaries under the Act has made appreciable progress. In some districts, however, there is still much scope for improvement.

Discussion in the said Workshop on this item also shows that the work of delivery of the 'Documents-of-Titles' to such beneficiaries by the J. L. R. O.s is lagging for behind the recording.

It was, therefore, decided that all the Settlement Officers would follow the procedure of the Burdwan district so as to improve the work of recording of the beneficiaries in their respective operations.

So far as the delivery of the 'Documents-of-Titles' is concerned, it may be stated that forms for 'order sheets and Documents' were long ago printed by the Board and delivered to the A. D. Ms. There should not be any more difficulty in the delivery of the 'Documents' on the part of the J. L. R. O.s concerned programme, should therefore, be taken up for distribution of the same to the beneficiaries.

A. K. Chakraborti  
Special Officer & ( ex-officio ) Secretary,  
Board of Revenue, West Bengal.

Memo No. 10264/1 ( 18 )-G. E.

Copy forwarded for information to :—

1. The Commissioner,..... Division,.....
2. The Collector,.....

Dated, Calcutta,  
the 16th Sept., 1985.

A. K. Chakraborti  
Special Officer & ( ex-officio ) Secretary,  
Board of Revenue, West Bengal.

**GOVERNMENT OF WEST BENGAL**  
**Office of the Board of Revenue, West Bengal**  
Section—A (I), G. E. Branch

No. 6585-(17)-G. E.  
146/85

Calcutta, the 18th May, 1985.

To  
The Addl. District Magistrate ( LR ), .....

Subject : Maintenance of orchard by the raiyats.

Ref. : Board's Memo. No. 6637 (18)-G.E. Dt. 1. 6. 79.

The undersigned is directed to say that very often public complaints are received against felling down trees standing on the orchard of the raiyats even in cases where permission is issued by the Board under Sec. 4B(1) of L. R. Act. In some cases on enquiry such public complaints have sustained.

It is, therefore, enjoined that cases of felling down trees should be examined carefully in terms of the Board's Order mentioned above and the Additional District Magistrate ( LR ) /Additional Deputy Commissioner (LR) may please personally look into some such cases. The proposal with necessary recommendation should be sent to the Board under the signature of the Additional District Magistrate/Addl. Deputy Commissioner (LR).

Sd/-  
Special Officer & (ex-officio) Secretary,  
Board of Revenue, West Bengal.

Memo No. 6586/1 (78)-G. E.

Copy forwarded to :—

1. The Commissioner,.....
2. The Collector,.....
3. The Sub-divisional Land Reforms Officer,.....for information.

Dated, Calcutta,  
the 18th May, 1985.

Sd/-  
Special Officer & (ex-officio) Secretary,  
Board of Revenue, West Bengal.

Government of West Bengal  
**Office of the Board of Revenue, West Bengal**  
Section—A(1) : 'G. E.'—Branch

No. 9110(15)-G E.  
150/86

Calcutta, The 13th September, 1984.

To  
The Collector,.....

The undersigned is directed to say that the Forest Department which is executing a Project on social forestry with the world Bank assistance has proposed to bring within the purview of the Project landless agricultural labourers who form a large section of the rural population. To enable such persons to come within the scheme it has been decided in consultation with the Forest Department that waste lands at the disposal of the Government i. e. degraded vested agricultural lands which are otherwise unfit for agriculture would be allotted to such persons subject to the conditions envisaged in section 49 of the Land Reforms Act, 1955.

Identification of the beneficiaries of the scheme will be done by the local officers of the Forest Department in consultation with the Junior Land Reforms Officers and the Panchayatiraj institutions. The list of beneficiaries would be recommended by the Block Level Land Reforms Advisory Committee.

As regards identification of waste lands for distribution to the eligible beneficiaries it may be stated that in Board's Memo No. 7736 (18)-G. E. dated the 21st June, 1979 a procedure has been outlined for distribution of vested agricultural lands which are unfit for agriculture. The circular enjoins that lands which are considered unfit should be actually offered to eligible beneficiary and on his refusal to accept the same matter should be enquired into by the agricultural expert and on their agreeing to consider it as unfit for cultivation the land concerned should be finally declared as unfit for agriculture. For the purpose of Farm Forestry scheme the waste lands which may be identified by the local officers of the Forest Department need not be actually offered to a beneficiary in terms of Board's Circular under reference. Such lands may be distributed to eligible persons for farm forestry purpose upon technical vetting of the local officers of the Agriculture Department to the effect that such lands are really unfit for agriculture. Board's memo mentioned above stands modified to the extent indicated above.

The exact quantity of land which will be finally made available for the purpose of farm forestry would be decided upon by the Collector of the district on the basis of the report obtained from the Panchayats, offices of the L. R, Wing, Agriculture Department and the Forest Department.

All concerned may be instructed accordingly.

Sd/- Assistant Secretary,  
Board of Revenue, West Bengal & ( ex-officio )  
Assistant Secretary to the Government of  
West Bengal, Land and Land Reforms Dept.

Memo No. 9110/1 (24)-GE

Copy forwarded for information to :—

- 1) The Commissioner,..... Division, .....
- 2) The Director of Land Records & Surveys, West Bengal.
- 3) The Additional District Magistrate ( L.R. )/The Additional Deputy Commissioner ( L. R. ),  
.....
- 4) The Land & Land Reforms Department, Government of West Bengal.
- 5) The Forest Department, Government of West Bengal.
- 6) The Additional Chief Conservator of Forests, Farm Forestry, P-16, India Exchange Place Extn.,  
New C. I. T Building, Calcutta-73.

Calcutta,  
the 13th September, 1984.

Assistant Secretary,  
Board of Revenue, West Bengal.

GOVERNMENT OF WEST BENGAL  
Office of the Board of Revenue, West Bengal  
Section—AI, GE—Branch

No. 9092-GE  
333/80

Dated, Calcutta, the 12th Sept., 1984.

To  
The Additional District Magistrate ( LR ), Hooghly.

Sub : Whether ascertaining of land in excess of the ceiling under Urban Land Act.  
is necessary before mutation is allowed.

Ref : His memo No. 3211-LR. dated 18. 6. 84.

The undersigned is directed to say that mutation is done under L. R. Act and if the provisions under the said Act are complied with there should not be any bar in allowing mutation. As such reference to Urban Land ( C. & R. ) Act is not necessary in allowing mutation.

Sd/-  
Special Officer & (ex-officio) Secretary,  
Board of Revenue, West Bengal.

Memo No. 9092/1(87)-G. E.

Copy forwarded for information to :

- 1) The Commissioner,.....Division.....
- 2) The Collector/Deputy Commissioner.....
- 3) The Addl. Dist. Magistrate, (LR)/The Addl. Deputy Commissioner (LR)  
.....

- 4) The Sub-Divisional Officer,.....
- 5) The Land & Land Reforms Department.....

Calcutta,  
The 12th Sept. 84.

Sd/-  
Special Officer & (ex-officio) Secretary,  
Board of Revenue, West Bengal.

**GOVERNMENT OF WEST BENGAL**  
**Office of the Board of Revenue, West Bengal**  
Section-A(I), G. E.-Branch

No. 5358 (17)-G. E.

Calcutta, 2nd June, 1984.

To  
The Addl. Dist. Magistrate ( LR )/  
The Addl. Dy. Commissioner ( LR )

Sub : Inspection of Land Reforms Circle Offices by the Sub-divisional  
Land Reforms Officers.

A reference is invited to Chapter X ( Pages 74 to 84 ) of the West Bengal Land Management Manual, 1977 which lays down details questionnaire on inspection of Land Reforms Circle Offices. In the last para of Board's Memo No. 12341 (33)-G. E. dt. 10. 7. 78, it was also enjoined that separate instructions should be issued by the Collectors to the S. D. Os and SLROs giving clear and detailed guidelines and also fixing minimum number of inspection they will have to undertake in a month. It is expected that such guidelines have already been issued by the Collectors.

It is, however, felt at this end that inspite of the above provision and guidelines, inspection of Land Reforms Circle Offices is not being held by the SLR's to the desired extent.

In the circumstances the Board has decided that the SLROs should inspect the Land Reforms Circle Offices within the respective jurisdiction at least once in every month with special emphasis on the following items of work :

- 1) Distribution of vested agricultural lands and allied matters such as preparation and maintenance of eligibility list, proper and regular maintenance of Register-VIII, reconciliation of figures of vested land maintained in L. R. Wing and Settlement Wing, Predistribution survey etc.
- 2) Disposal of Bhagchas cases,
- 3) Disposal of Mutation Cases,
- 4) Collection of Revenue, Cesses and loans,
- 5) Disposal of Certificate cases,



6) Settlement of non-agricultural lands sairati interests etc.

The S. L. R. O. would submit his inspection report to the A. D. M./A. D. C. every month. The A.D.M./A. D. C would submit in the enclosed proforma Return to the Board twice in a year i. e. in the first week of July for the period from January to June and first week of January for the period from July to December.

The S L. R. O s please be instructed accordingly.

Sd/- Special Officer & ( ex-officio ) Secy.  
Board of Revenue, West Bengal.

Memo No. 5358/1 ( 122 )-GE

Copy with a copy of the proforma forwarded to :—

- 1) The Commissioner.....
- 2) The Collector/Deputy Commissioner.....
- 3) The Sub-divisional Officer.....
- 4) The Sub-divisional Land Reforms Officer..... for information.

Calcutta,  
2. 6. 84.

Sd/- Special Officer & ( ex-officio ) Secretary,  
Board of Revenue, West Bengal.

**Return of Inspection of L. R. Circle Offices by the Sub-divisional Land Reforms Officers.**

District.....

Period.....

Name of the Sub-Division	Name of the SLRO	No. of Circle Offices in his jurisdiction	No. of Circles visits in the period	Remarks
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ADM/ADC

Government of West Bengal  
Office of the Board of Revenue, West Bengal  
Section—A (I). G E. Branch

No. 3858 (15)—GE

Dated : Calcutta, the 18th May, 1984

To  
The Collector/Dy. Commissioner,  
.....

**Sub : Restriction on the use of good agricultural lands for other purposes.**

The Ministry of Agriculture, Govt. of India has drawn the attention of the State Govt. to the recent observation of the Prime Minister stressing that good agricultural lands in the villages should not be directed for uses other than agriculture especially when other less productive land is available.

The undersigned is directed to draw his attention to the provisions contained in Section 4 of the W. B. L. R. Act, 1955 embodying certain restrictions for use of agricultural lands for other purposes. He is requested to see that the provisions of this Section are adhered to by the raiyats.

Provisions in Section 4(4) *ibid* should be invoked without fail in appropriate cases.

Sd/- Special Officer & ( *ex-officio* ) Secretary,  
Board of Revenue, West Bengal.

Government of West Bengal  
Office of the Board of Revenue, West Bengal  
Section—A 'I', G. E. Branch

No. 10394(17)-G.E.  
159/83

Dated, Calcutta, the 16th Nov., 1983.

To

1. The Addl. District Magistrate (LR)/
2. The Addl. Deputy Commissioner (LR),

**Sub : In-service training of Junior Land Reforms Officers**

A reference is invited to item No. 16.1.1. of the operational decisions in the Sixth Workshop on Land Reforms held on 7th and 8th July, 1983.

The Board of Revenue has decided that in the first phase the In-service training should be imparted to the J.L.R.O.s. The training will be for a period of three days. The subjects to be covered will be the following :

- i) Administration of the L. R. Act with particular emphasis on Chapter II (management), Chapter-III (bargadars) and Chapter VI (distribution of vested land).
- ii) The legal position in regard to assessment of different kinds of cesses and collection thereof.
- iii) Collection of Land Revenue in the context of the enforcement of W. B. Land Holding Revenue Act.
- iv) Administration of the W. B. Acquisition of Homestead Land for Agricultural Labourers, Artisans and Fishermen Act.
- v) Administration of the Restoration of the Alienated Land Act.
- vi) Management of non-agri. land according to the provisions of the Land Management manual.
- vii) Certificate cases.
- viii) Mines and minerals, and
- ix) Such other items as the Addl. District Magistrates may select having regard to local need.

The training will be imparted by the Additional District Magistrate (LR) District Land Reforms Officers and the Sub-divisional Land Reforms Officers. The Director of Land Records and Surveys will be requested to spare his Charge Officers and other officers to impart training on the subjects having bearing on survey and settlement matters. The Officers from the Board of Revenue will also be sent to the districts for the purpose.

In order that the officers undertaking the training may have maximum benefit therefrom, it is desirable that they stay at the place of training during the period. The entire day should be devoted for the training.

He is requested to chalk out a training programme and send a copy of the same to the Board of Revenue. He is also requested to get in touch with the Settlement Officer for selection of suitable officers belonging to the Settlement Wing to impart training to the Junior Land Reforms Officers.

The Settlement Officers and the Director of Land Records and Surveys are being advised.

Sd/-  
Special Officer & (ex-officio )  
Secretary, Board of Revenue,  
West Bengal.

Memó No. 10394/1(28)-G. E.

Copy forwarded to :—

- 1) The Commissioner, ..... Division.....
- 2) The Collector/Dy. Commissioner.....

- 3) The Director of Land Records & Surveys, West Bengal
  - 4) The Settlement Officer, ... ..
  - 5) Land & Land Reforms Deptt. of this Government.
- for information and necessary action.

Sd/-  
Special Officer & (ex-officio )  
Secretary, Board of Revenue,  
West Bengal.

Calcutta, The 16th Nov., 1983.

**GOVERNMENT OF WEST BENGAL**  
**Office of the Board of Revenue, West Bengal**  
Section—A (1), GE Branch

Memo No. 4508/17 -GE.  
129/83

Dated : Calcutta, 19.5.1983.

To  
The Addl. District Magistrate (LR)/  
The Addl. Deputy Commissioner (LR),  
.....

Sub : Scope of appeal u/s. 51A (5) of the Land Reforms Act.

It has come to the notice of the Board that in some districts the A.D.Ms (LR) are entertaining appeals u/s. 51A(5) L. R. Act in respect of record-of-rights which are yet to be finally published or where such records have been finally published, the subject matter of the appeal was not earlier against before the specially empowered officer u/s 51A(4).

In a void wrong exercise of jurisdiction u/s. 51A(5) the scheme of section 51A has to be clearly understood. The legal provision is that the record-of-rights prepared or revised u/s. 51(3) should be draft published u/s. 51A(1). After disposal of such objections as may be filed during the period of draft publication, the record-of-rights should be finally published u/s. 51A(2). Sec. 51A(4) envisages that a Revenue Officer specially empowered may revise an entry in the finally published record-of-rights on an application filed within one year from the date of final publication. Any person aggrieved by an order passed u/s. 51A(4) may file an appeal before the Addl. District Magistrate u/s. 51A(5). The manner for filing such an appeal has been prescribed in rule 26 of the West Bengal Land Reforms Rules.

It will, therefore, appear from the above that no appeal u/s. 51A(5) is entertainable under the law unless the subject matter of such an appeal was earlier agitated u/s. 51A(4) before the Specially Empowered Revenue Officer. Entertainment of such an appeal by the A. D. M. will be without jurisdiction and, therefore void an initio.

It should, therefore, be noted that no matter relating to an entry in the R. O. R. or an omission there-

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from, in respect of records which have been taken up for preparation u/s. 51, can come up for appeal u/s. 51A(5) before the A. D. M. unless the processes ending in an adjudication envisaged in Sec. 51A(4) have been gone through.

It may also be mentioned that no appeal to the Addl. Dist. Magistrate lies u/s. 51A(5) in respect of an entry made in the record-of-rights u/s 50 L. R. Act. The legal remedy in such cases lies in an appeal u/s. 54 ibid.

The legal position as explained above should be clearly understood before an appeal u/s. 51A(5) L. R. Act is entertained.

Sd/-Special Officer & (ex-officio)  
Secretary,  
Board of Revenue, West Bengal.

Memo No. 4508/1(12)-G.E.

Copy forwarded for information to the :-

- 1) Commissioner, .....Divn.....
- 2) D. L. R. & S., Alipore.
- 3) Settlement Officer,.....

Sd/-Special Officer & (ex-officio)  
Secretary,  
Board of Revenue, West Bengal.

GOVERNMENT OF WEST BENGAL  
Office of the Board of Revenue, West Bengal  
Section—A(I), G. E. Branch

No. 8137-G E.  
664/81

Calcutta, the 3rd Aug. 1982.

To  
The Additional District Magistrate ( LR ), Hooghly.

Sub : Conversion of agricultural land\* in the Urban areas into non-agricultural tenancy.

Ref : His memo no. 1799/L.R. dated 20.4.1982.

The undersigned is directed to say that, in order to prevent indiscriminate conversion of character of lands, appropriate provisions have been envisaged in the comprehensive amendment Bill of L.R. Act which is awaiting the assent of the President.

As regards the cases under report, if the lands were, on the dates of transfer, mainly used for the purpose of agriculture and if those were recorded as agricultural in Record-of-Rights, the permission to convert has to be disposed of in terms of section 72 of the W.B.N.A.T. Act, 1949 read with Board's instructions in the matter. If, however, the lands in question took the character of non-agricultural lands on the dates of transfer, reference may be made to the Competent Authority, under the Urban Land (Ceiling and Regulation) Act for examination in terms of the said Act. The application of section 72 of the W.B.N.A.T. Act, 1949 may not be necessary in those cases, since the lands had already become non-agricultural in character.

A. K. Chakraborti,  
Special Officer & (ex-officio) Secretary,  
Board of Revenue, West Bengal.

Memo No. 8137/1(70)-G. E.

Copy to—

- 1) Additional District Magistrate (LR), .....
- 2) Sub-Divisional Officer, .....
- 3) Commissioner..... Division.....
- 4) The Land & Land Reforms Deptt.....  
for information and guidance.

A. K. Chakraborty,  
Special Officer & (ex-officio) Secretary,  
Board of Revenue, West Bengal.

Dated, Calcutta the 3rd August, 1982.

GOVERNMENT OF WEST BENGAL  
Office of the Board of Revenue, West Bengal  
C. R. Branch

No. 5118(25)-C. R.

Dated, Cal. the 20th May, 1982.

To

- (1) The Addl. District Magistrate (LR), .....
- (2) The Settlement Officer, .....

Sub : Regarding Civil Rules

A reference is invited to item. 16.1 of the operational decisions taken in the 5th Workshop on Land Reforms held on April 16, 1982.

For properly dealing with Civil Rule matters arising out of implementation of land reforms measures it has been decided that :

- (i) A. D. Ms (LR) should place requisition with the Collectors/Board of Revenue for adequate staff for Civil Rule Cells of their districts according to the yardstick laid down by the Finance Department ;

- (ii) Judicial Department should be consulted for placing the clerk of the district Govt. Pleader under the administrative control of the Collector ;
- (iii) for the present each district should have a Central C. R. Cell manned by officers and staff raised from Collector's and Settlement Officer's establishments ;
- (iv) Addl. Advocate General will be requested to examine the feasibility of earmarking panel Advocates of the High Court districtwise to facilitate contact, discussions and familiarity with representative of Addl. Collectors/Settlement Officers.
- (v) Addl. Advocate General is being requested to examine how Courts can be impressed so that no ex parte decision including injunctions are granted without giving reasonable time to the State. Advocates are being requested to intimate results of Civil Rules as soon as these are disposed of ;
- (vi) wherever results of long pending Civil Rules are unknown to district officers, they should send lists of such Civil Rules with necessary particulars to the C. R. Cell of the department and then attempts will be made to collect the results and forward the same to respective officers ;
- (vii) where reporting of results are vague—such as—“disposed of”—the respective officers should obtain certified copies to know the import.

He is requested to take necessary action for implementation of the decision. Further communication in regard to (ii), (iv) & (v) will follow.

Sd/- Special Secretary (Law) &  
Joint Secretary,  
Land & Land Reforms Deptt.

Memo No. 5118/1(16)-C. R.

Copy to :—

- (1) D. L. R. & S., West Bengal.
- (2) The Collector,.....
- (3) Deputy Commissioner,.....  
for information and necessary action.

Dated, Calcutta,  
the 20th May, 1982.

Sd/- Special Officer ( Law ) & Joint Secretary,  
Board of Revenue, West Bengal

Memo No. 5118/2(3)-C. R.

Copy to the Commissioner,.....Division,.....  
for information and necessary action. He is requested to see that timely action is taken by all A. D. Ms ( LR )  
within his division.

Dated, Calcutta,  
the 20th May, 1982.

Sd/- Special Officer ( Law ) & Joint Secretary,  
Board of Revenue, West Bengal.

**GOVERNMENT OF WEST BENGAL**  
**Office of the Board of Revenue, West Bengal**

Section—A-I, G. E. Branch

No. 6686(25)-G. E.  
32/82

Dated, Cal. the 25th June, 1982

To :

1. The Addl. Dist. Magistrate(LR)/The Addl. Dy. Commissioner (LR).....
2. The Settlement Officer.....

Sub : Entertaining appeals against 14T cases under the W. B. L. R. Act  
by Lower Civil Courts in acting beyond jurisdiction.

It has come to the notice of the Board that lower civil courts are entertaining a fairly large number of appeals against Sec. 14T cases under the W.B.L.R. Act, infringing thereby the barring contained in Sec. 14X ibid. It is evident that the lower civil courts are usurping jurisdiction where it does not exist and are issuing injunction orders as well as decisions against vesting under the W. B. L. R. Act by passing the built-in provisions specifying the jurisdiction for such appeals in the Act.

2. Board wants to impress that such virtual manning of W. B. L. R. Act should be vigorously contested by the Collectors both at the stage of admission and during hearing. The Settlement Officers should also submit the statements through the Collectors and be concomitants to associate themselves as one of opposite parties, if necessary, and whenever possible.

3. In the written statement to be filed before the lower civil courts the Collectors should be emphatically mention the provisions of Sec. 14X of the W.B.L.R. Act barring jurisdiction of the civil courts in trying such suits. This point should also be argued vigorously at the time of hearing.

A. K. Chakraborti.  
Special Officer & ( ex-officio ) Secretary  
Board of Revenue, West Bengal.

Memo No. 6686/1-GE

Copy forwarded to the Director of Land Records & Surveys, West Bengal with reference to his D.O. No. 856/107/C/80 dated 12.1.82 for information and necessary action.

Calcutta,  
25-6-82.

Sd/- Assistant Secretary,  
Board of Revenue, West Bengal.



Government of West Bengal  
Office of the Board of Revenue, West Bengal

Section—A(I) : 'G. E.'—Branch

Calcutta, The 7th May, 1982.

No. 4840(15)-G E.  
120/82

To: The Collector/Dy. Commissioner,  
.....

Sub : Encroachment of vested/khas non-agricultural land.

The problem arising out of extensive encroachment on Government non-agricultural land was discussed in the Fifth Workshop held in Calcutta on 16th April, 1982.

It transpired in the discussion that though there were sporadic reports of encroachment, no meaningful survey of Government non-agricultural land to find out the extent of encroachment has been done.

Survey and Settlement work under the Land Reforms Act has already been extended to the urban and semi-urban areas where incidence of such encroachment is high. While noting possession Settlement Wing will identify the cases of such encroachment. The Junior Land Reforms Officer will consult the settlement records and prepare a list of such encroachments. The Junior Land Reforms Officer will collect from the settlement records such information as the name of the encroacher, area of land encroached upon, the year of commencement of encroachment. The list of encroachers will thereafter be compiled.

A return on the progress of work should be sent to the Board of Revenue in the prescribed proforma.

A. K. Chakrabarti  
Special Officer & ( ex-officio ) Secretary,  
Board of Revenue, West Bengal.

Memo No. 4840/1 (129)-G. E.

Copy forwarded to :—

1. The D. L. R. & S., West Bengal.
2. The Commissioner,..... Division,.....
3. The Addl. District Magistrate ( L. R. )/Addl. Deputy Commissioner (LR),.....
4. The sub-divisional Officer,.....
5. The Sub-divisional Land Reforms Officer,.....
6. Settlement Officer,..... for information.

Sd/-A. K. Chakrabarti  
Spl. Officer & ( ex-officio ) Secretary,  
Board of Revenue, West Bengal.

Dated, Calcutta,  
the 7th May, 1982.

**GOVERNMENT OF WEST BENGAL**  
**Office of the Board of Revenue, West Bengal**  
Section—AI      Branch—G.E.

No. 1584-GE

Calcutta, the 19<sup>th</sup> February, 1982

To : The Collector, Midnapur.

Sub : Appointment of "Revenue Officers" under Sec. 49(2) of West Bengal Land Reforms Act.

Ref : His Memorandum No. 515-LRM, dated 6.2.80.

The undersigned is directed to say that Section 49(2) of the West Bengal Land Reforms Act has since been amended under the West Bengal Land Reforms (Amendment) Act, 1980 issued under Notification No. 357 dated 29.9.80. In said Sub-Section 2 of section 49 for the words "was obtained by any person under Sub-section (1) by practising fraud or misrepresentation", the following words have been substituted :— "was made by misrepresentation or obtained under any provision of this Section by practice of fraud, misrepresentation, coercion or otherwise".

This amendment has made the provisions in regard to annulment of settlement of vested lands amply clear and has removed the bottleneck in the matter of disposal of such cases.

In the circumstances, it is expected that the S.D.Os/Addl. S.D.Os will no more find it difficult to dispose of such cases of annulment expeditiously. Moreover in view of the fact that the S.D.Os have been vested with powers of ordering settlement of vested lands u/s 49(1) of W.B.L.R. Act, it may not be proper to declare any officer below his rank to discharge the function of the Revenue Officer u/s 49(2) *ibid*. It has, therefore, been decided by the Board that S.D.Os/Addl. S.D.Os will continue to function as Revenue Officer u/s 49(2) *ibid*.

A. K. Chakraborti  
Special Officer & ( ex-officio ) Secretary,  
Board of Revenue, West Bengal.

Memo. No. 1584/1(89)-G.E.

Copy with a copy of memo. no. 515/LRM dated 6.2.80 forwarded to :

- 1) The Commissioner.....Division.....
- 2) The Collector.....
- 3) The A.D.M/A.D.C.....
- 4) The Sub-divisional Officer.....
- 5) The Land & Land Reforms Department.
- 6) The Director of Land Records & Surveys, West Bengal for information.

Dated, Calcutta,  
the 19<sup>th</sup> February, 1982.

A. K. Chakraborti  
Special Officer & ( ex-officio ) Secretary,  
Board of Revenue, West Bengal.

**GOVERNMENT OF WEST BENGAL**  
**Office of the Board of Revenue, West Bengal**  
Section—A. I. G. E. Branch

No. 9818 (17)-GE  
369/80

Dated Cal. the 19. 8. 1981.

To

The Addl. Dist. Magistrate (LR)/The Addl. Dy. Commissioner (LR).....

Subject :— Felling down of standing trees on vested land.

1. The Board has received with grave concern reports of indiscriminate and unauthorised felling of standing trees on vested land in some districts. The incidence of felling trees with timber value and removing those from the vested land has recently increased. The trees on vested land irrespective of their value are government properties and the need for their protection by the concerned District authorities can hardly be overemphasised. Besides, protection and proper maintenance of these trees are essentially necessary for the purpose of afforestation.
2. He is, therefore, requested to please ensure that all possible steps are taken to protect and preserve the trees standing on vested land. The J.L.R.Os should be instructed to lodge 1st information report with the local Police Station as soon after information of unauthorised felling and removal of trees is received as possible. The local Police authorities should also be advised to take up prompt enquiry into cases of unauthorised felling of trees that may come to their notice through the JLROs or otherwise.
3. Action taken in the matter may please be reported to the Board.

Sd/-A. K. Chakraborti  
Special Officer & (ex-officio) Secretary,  
Board of Revenue, West Bengal.

Memo. No. 9818/1(18)-GE

Copy forwarded for information and necessary action to :

- 1) The Commissioner.....Division.....
- 2) The District Magistrate.....

Dated, Calcutta,  
the 19th May, 1981.

Sd/- A. K. Chakraborti  
Special Officer & (ex-officio) Secretary,  
Board of Revenue, West Bengal.

**GOVERNMENT OF WEST BENGAL**  
**Office of the Board of Revenue, West Bengal**  
Section—A (I), G E. Branch

No. 9078-GE

Calcutta, the 29th July, 1981.

To  
The Addl. District Magistrate (LR),  
Birbhum.

Sub : Omission of Sec. 14W of the Principal Act ( WBLR, Act, 1955 ).  
Ref : His Memo No. 2629-LR dated 11.3.81.

The undersigned is directed to say that with the omission of Sec. 14W of the West Bengal Land Reforms Act, 1955, vide West Bengal Land Reforms ( Amendment ) Act, 1980 [ Published under Notification No. 3573-L dated 29.9.80 in the extraordinary issue dated 29.9.80 of the Calcutta Gazette ], the cases which were started u/s 14W prior to 29.9.80 should be disposed of and damages realised, if necessary, in accordance with the provisions of that Section which was in force at that time, but no case u/s. 14W should be started de novo after 29.9.80. It should, however, be borne in mind that the omission of the Section 14W is co-related with the amended section 14V, ibid. In other words, the omitted sec. 14W will not be applicable to those cases where section 14V will be attracted and/or applicable.

Sd/- A. K. Chakraborti,  
Special Officer & (ex-officio) Secretary,  
Board of Revenue, West Bengal.

Memo No. 9078/1(39)-GE

Copy with a copy of Memo No. 2629-LR dated 11.3.81 from Addl. District Magistrate, (LR), Birbhum to which it is a reply, forwarded information and necessary action to :—

- 1) The Collector.....
- 2) The Addl. Dist. Magistrate (LR)/The Addl. Dy. Commissioner (LR).....
- 3) The Settlement Officer.....

Dated, Calcutta,  
the 30th July, 1981.

Sd/- A. K. Chakraborti,  
Special Officer & (ex-officio) Secretary,  
Board of Revenue, West Bengal.

**Copy of letter No. 2629-LR dated 11-3-81 from Addl. Dist. Magistrate (LR), Birbhum to the  
Secretary, Board of Revenue, West Bengal.**

Sub : Omission of Sec 14W of the Principal Act. (WBLR Act, 1955 ).

In the W. B. L. R. ( Amendment ) Act, 1980 published in the extra-ordinary Gazettee vide Notification No. 3573-L dated 29-9-80, it has been enacted that "Sec. 14W of the principal Act shall be omitted".

As per provision of the relevant section of the principal Act, a raiyat who possesses, after the commencement of the provisions of this chapter, any land in excess of the ceiling area shall be liable to pay compensation for use and occupation of such land as fixed by the Collector. A good number of such cases have been processed by the different circles of this district which are lying in my office for final orders after giving opportunity to each of raiyats through hearing.

Now, a question has been arisen that the "Omission" of the relevant section of the principal Act it would not be legal to proceed with those old cases, During the hearing, some Advocates also have raised this objection.

I would, therefore, request you to kindly instruct on this issue, whether further proceeding of such old cases may be dropped.

An early instruction is solicited.

GOVERNMENT OF WEST BENGAL  
Office of the Board of Revenue, West Bengal  
Section—A(I), G. E. Branch

No. 5438 (5)-G. E.

Dated : Calcutta, the 14th May, 1981.

To  
The Collector/Deputy Commissioner,

Subject : Identification of degraded/non-agricultural vested land for making over to the Forest Department for the purpose of planting sabai grass etc.

The undersigned is directed to refer to para 4 of Board's Memo No. 15615(5)-G. E. dated 27 10. 80. on the above subject and to state that the instructions contained in the said para will apply only to agricultural land and not to non-agricultural land.

Board's Memo. under reference stands modified to the above extent.

Sd/- A. K. Chakraborti  
Special Officer & (ex-officio) Secretary,  
Board of Revenue, West Bengal

Memo No. 5438/1 (29)-G. E.

Copy forwarded to t—

- 1) The Scheduled Caste & Tribal Welfare Department of this Government.
- 2) The Director of Land Records & Surveys, West Bengal.

- 3) The Forest Department of this Government.
  - 4) The Addl. District Magistrate (LR),.....
  - 5) The Addl. Deputy Commissioner (LR), Purulia.
  - 6) The Settlement Officer, Midnapore.
  - 7) The Settlement Officer,.....
  - 8) The Conservator of Forest, Western Circle, Survey Buildings, Alipore.
  - 9) The Conservator of Forest, Central Circle, Survey Buildings, Alipore.
  - 10) The Conservator of Forest, Social Forestry Circle, C. I. T. Buildings, P-16, India Exchange Place Extn., Calcutta-73.
  - 11) The Chief Conservator of Forest, C. I. T. Buildings, P-16. India Exchange Place Extn., Calcutta-73.
  - 12) The Divisional Forest Officer,.....
  - 13) The Special Officer, Tribal Welfare.....
- for information and necessary action.

Calcutta,  
The 14th May, 1981.

Sd/- A. K. Chakraborti  
Special Officer & (ex-officio) Secretary,  
Board of Revenue, West Bengal.

**GOVERNMENT OF WEST BENGAL**  
**Office of the Board of Revenue, West Bengal**  
Section—'A', G. E. Branch

No. 5163 (17)-G. E.

Dated : Calcutta, the 5th May, 1981.

To  
The Addl. District Magistrate ( L R. )/  
The Addl. Deputy Commissioner ( L. R. ),

Sub : Distribution of vested agricultural lands lying within the  
Municipal areas fringes thereof or urban agglomerations.

The question as to how the vested agricultural lands lying within the Municipal areas or fringes thereof or Urban agglomerations or urbanised notified areas should be treated for the purpose of Section 49 of the West Bengal Land Reforms Act, has been engaging the attention of the Board for some time past.

2. After considering the various aspects of the matter it has been decided that such lands should not ordinarily be offered for distribution among individual persons ; but should be offered to the concerned municipality, Development Authority or Town Committee or any other Statutory Civic Authority for various development work and/or for rehabilitation of the persons affected by Land Acquisition proceedings. Such settlement of land with the Municipalities and other public bodies as mentioned above should be made in terms of Sub-section (5) of Section 49 of the West Bengal Land Reforms Act ( inserted under Notification No. 3573-L. dated the 29th September, 1980 ) with prior approval of the Board of Revenue and on such terms and conditions as may be fixed.

3. The cases of settlement with the individual persons affected by Land Acquisition proceedings, should also be treated as public purpose within the meaning of Section 49(5) *ibid*. Hence settlement should also be made in terms of Section 49(5) *ibid* read with rule 166 of the Land Management Manual, since such lands will be utilised by the settlees for non-agricultural purposes. Prior approval of the Board should be obtained for settlement in such cases.

Sd/- Secretary,  
Board of Revenue, West Bengal.

Memo. No. 5163/1(128)-G.E.

Copy forwarded for information to :

1. The Land and Land Reforms Department, Govt. of West Bengal.
2. The Director of Land Records and Surveys, West Bengal.
3. The Commissioner, ..... Division, .....
4. The District Magistrate/Deputy Commissioner, .....
5. The Settlement Officer, .....
6. The Sub-divisional Officer, .....
7. The Sub-divisional Land Reforms Officer, .....

[ Sufficient spare copies enclosed for distribution among the J. L. R. Os. ]

Sd/-

Secretary,  
Board of Revenue, West Bengal.

Calcutta, The 5th May, 1981.

**GOVERNMENT OF WEST BENGAL**  
**Office of the Board of Revenue, West Bengal**  
Section—A(I) G. E. Branch

No. 7488(17)-GE  
36/81 (Pt.1)

Dated, Calcutta, 16th July, '82.

To  
The Addl. District Magistrate, (L. R.)/Addl. Deputy Commissioner, (L.R.).....

It has come to the notice of the Board that distribution of agricultural land lying within urban agglomerations as defined in the Urban and ( Ceiling and Regulation ) Act, 1976 has been suspended in some districts in terms of Board's Memo. No. 5163-(17)-GE, dt. 5-5-81.

It is clarified that the expression "Urban agglomerations" appearing in the above instructions was meant to include areas where urbanisation has taken place and not the areas falling within "urban agglomerations" as defined in the U. L. ( C & R ) Act. The intention was to regulate the distribution of agricultural lands which are situated within the municipal areas, notified authority areas and fringes thereof.

In view of the above position the words "or agglomerations" should be deemed to have been deleted from the first paragraph of Board's Memo. No. 5163 (17)-GE., dated 5-5-81.

All concerned may be informed accordingly.

Sd/- A. K. Chakraborti,  
Special Officer & (ex-officio) Secretary  
Board of Revenue, West Bengal.

Memo No. 7488/1 (128)-GE.

Copy forwarded for information to :—

1. The L & L. R. Deptt., Govt. of West Bengal ;
2. The D. L. R. & S., West Bengal ;
3. The Commissioner,..... Division,.....
4. The District Magistrate /Deputy Commissioner,.....
5. The Settlement Officer,.....
6. The Sub-divisional Officer,.....
7. The Sub-divisional Land Reforms Officer,.....

Sufficient spare copies enclosed for distribution among the J. L. R. O S.

Calcutta,  
The 16th July, 1982.

Sd/- A. K. Chakraborti  
Special Officer & (ex-officio) Secretary,  
Board of Revenue, West Bengal.

GOVERNMENT OF WEST BENGAL  
Office of the Board of Revenue, West Bengal  
Section—A, G. E. Branch

No. 12056 (4)-G. E.  
315/0

Calcutta, the 11th August, 1982

To  
The Collector/Deputy Commissioner,  
Jalpaiguri/Birbhum/Bankura & Darjeeling.

Sub : Regularisation of unauthorised occupation of vested  
and Khas lands by the refugees.

The question of regularisation of unauthorised occupation of vested and Khas lands by the refugees (i.e. the displaced persons from erstwhile East Pakistan) in this State has been under consideration of the Government for sometime past.

2. It was decided that regularisation of the unauthorised occupation of such lands that took place upto 26.7.75 would be considered under the scheme and that the work might be started in selected areas, where there has been heavy concentration of refugees, for regularisation of homestead plot only. It was reported that large quantum of such lands were squatted upon by the refugees in the districts of Jalpaiguri, Birbhum, Bankura



Darjeeling. It was accordingly decided that the work of regularisation of the unauthorised occupation would be started in the above districts at the first instance.

3. For this purpose the primary task would be to identify the areas covered by such unauthorised occupation by the refugees and to find out the actual number of refugees families who would be benefited under the scheme. After such identification only, it would be possible to find out the quantum of homestead land per family to be taken up for regularisation.

4. In Refugee, Relief and Rehabilitation Department Memo No. 3766(15)-Rehab/14S-7/79 (Pt) dated 1. 7. 80, the District Officers have already been requested to take up the work of identification of refugee families which will include collection of particulars of the families and survey of the lands in their actual possession.

5. It is envisaged here that the J. L. R. Os will assist the officials of the Refugee, Relief and Rehabilitation Deptt. in the work by making available to them the mouza maps, the schedule of vested lands and other relevant particulars as may be required by them.

6. The work of identification is important as subsequent regularisation will depend on it. It is, therefore, requested that the J. L. R. Os may be advised to extend all possible help and co-operation to the officials of the Refugee Relief and Rehabilitation Department.

Sd/- S. Singh.  
Secretary,  
Board of Revenue, West Bengal.

Government of West Bengal  
Office of the Board of Revenue, West Bengal  
Section—A (I). G. E. Branch

No. 8483(4)-G. E.  
315/80

Dated, Cal. the 18th July, 1981.

To  
The Collector/Dy. Commissioner,  
Jalpaiguri, Birbhum, Bankura & Darjeeling.

Sub : Regularisation of unauthorised occupation of vested/Khas lands by the refugees.

The progress of work of identification of the refugee families who have been in continuous possession of vested/Khas non-agricultural lands on construction of dwelling houses thereon and cultivating possession of agricultural lands was reviewed in a meeting held on 27. 5. 81 in the chamber of the M. I. C, L. & L. R. Deptt. A copy of the proceedings of the said meeting is enclosed.

Now, with a view to regularising the possession of such vested / Khas non-agricultural and agricultural lands with the refugee families concerned, it is enjoined that the physical possession of the lands in question shall

be made over to the Refugee Relief & Rehabilitation Department by the district officers pending formal orders by the Land & Land Reforms Department.

He is requested to take necessary action as envisaged above and also to submit formal proposal to the Divl. Commissioner for transfer of such lands to the Refugee Relief & Rehabilitation Department in terms of Rule 266 of the West Bengal Land Management Manual, 1977.

This is further to the instructions issued under Board's Memo No. 12056(4)-G.E. dated 11.8.80.

Sd/- A. K. Chakraborti  
Special Officer & (ex-officio) Secretary  
Board of Revenue, West Bengal

Memo No. 8483/1(6)-G.E.

Copy with copy of the enclosure forwarded to :—

1. Commissioner, Burdwan/Jalpaiguri Divisions for information.
2. A.D.M.(LR)/A.D.C.(LR), Jalpaiguri/Birbhum/Bankura/Darjeeling, for information and necessary

Sd/- A. K. Chakraborti  
Special Officer & (ex-officio) Secretary  
Board of Revenue, West Bengal

Dated, Calcutta, the 18th July, 1981.

Memo No. 8483/2-GE

Copy with copy of enclosure forwarded to the R. R. & R. Department.

With the taking over of formal possession of the lands in question, it will be for the Department to consider the question of W. B. issue pattas and licenses to the eligible refugee families according to the "Implementation of Title Scheme" administered by them subject, however, to the provisions of Section 49 of the Bengal Land Reforms Act regulating settlement of agricultural lands.

Sd/- A. K. Chakraborti,  
Special Officer & (ex-officio) Secretary  
Board of Revenue, West Bengal.

The 18th July, 1981.

**GOVERNMENT OF WEST BENGAL**  
**Land & Land Reforms Department**  
Land Reforms Branch  
**NOTIFICATION**

No. 484-L. Ref.

Dated Calcutta, the 22nd June, 1987.

In exercise of the power conferred by section 13 of the West Bengal Estates Acquisition Act, 1953 ( West Bengal Act I of 1954 ), read with rule 12 of the West Bengal Estates Acquisition Rules, 1954 the Governor has been pleased to order as follows :—

1. All the khas and vested tanks and ferries belonging to the State shall, subject to the rules for the time being in force and subject to the directions issued, or may be issued, by the Government from time to time, be managed by the Gram Panchayats under whose respective jurisdictions the said tanks and ferries are located. In case a khas or vested tank or ferry falls under the jurisdiction of more than one Gram Panchayat, the same shall be managed by the Panchayat Samity under whose jurisdiction it falls, and in case such a tank or ferry falls under the jurisdiction of more than one Panchayat Samity, the same shall be managed by the Zilla Parishad.

2. The khas and vested tanks and ferries which are under valid lease or license granted by the Collectors, shall be managed by the Gram Panchayats, Panchayat Samities or Zilla Parishads, as the case may be, on expiry of the existing term of said lease or license.

3. The khas and vested tanks and ferries which were handed over by the Collectors to the Gram Panchayats, Panchayat Samities or Zilla Parishads, as the case may be, in pursuance of the memo. no. 2634(15)-GE(M) dated 7th March, 1979 of the Board of Revenue, Government of West Bengal, shall be deemed to have been always managed, and shall continue to be managed, by the respective Gram Panchayats, Panchayat Samities or Zilla Parishads on and from the date on which the said tanks and ferries were handed over to them by the Collectors.

By order of the Governor.

Sd/- B. C. Mukherjee,

Secretary to the Govt. of West Bengal.

No. 485(38)-L.Ref.

Dated, Calcutta, the 23rd June, 1987.

Copy forwarded to :

1. The Secretary to the Government of West Bengal, Panchayat Department.
2. The Secretary, Board of Revenue, West Bengal, Writers' Buildings, Calcutta-1.
3. The Commissioner ..... Division.....
4. Sabhadhipati, Zilla Parishad.....
5. The Collector.....
6. The Director of Land Records & Surveys, West Bengal, 35, Gopalnagar Road, Alipore, Calcutta-27.  
for information and necessary action.

Sd/-

Deputy Secretary to the  
Government of West Bengal.

Government of West Bengal  
Office of the Board of Revenue, West Bengal  
Section—A III, Branch G.E.(M)

No. 4985-G.E (M)  
107/85

Dated, Calcutta, the 7th April, 1987.

To : The Additional District Magistrate (LR),  
Midnapore.

Sub : Realisation of damage cost for unauthorised occupation of vested non-agricultural land prior to giving long term settlement of such lands.

Ref : His D.O. No. 1229-LRM dated 27.2.86.

In this office memo. no. 12773-GE(M) dated 20.12.85/5.2.86 it has been stated that if lease is granted from the date of original possession and rent also realised from that date which includes the period of unauthorised occupation, the question of realisation of damage cost does not arise. On the otherhand, if lease is granted from a subsequent date and rent is realised from that date then the question of realisation of damage cost for the period of prior unauthorised occupation naturally arises.

As the rate of rent and damage cost is different, i.e., 4% and 10% of the land value respectively confusion may arise as to the applicability of these rates and the dates from which those will be enforced.

Now, in this context the undersigned is directed to say that to avoid complications proposal for long term settlement may be considered from the date of processing of the case and for that purpose rent should be fixed @ 4% of the land-value in terms of rule 166 of W.B.L.M. Manual 1977 when the decision for long term lease is taken.

However, as realisation of damage cost is treated as penal measure it should be fixed @ 10% of the land-value as per instructions contained in para 7 of this office memo. no. 22406(15) Misc (comp) dated 24.12.76 for the period of unauthorised occupation prior to the grant of the long term lease.

Sd/- Deputy Secretary,  
Board of Revenue, West Bengal.

Memo. No. 4986(16)-GE (M)

Copy forwarded to the Additional District Magistrate (LR).....  
for information and necessary action.

Dated, Calcutta,  
The 7th April, 1987.

Sd/- Deputy Secretary,  
Board of Revenue, West Bengal.

Memo. No. 4987(3)-GE(M)

Copy forwarded to the Commissioner.....Division..... for information and necessary action.

Dated, Calcutta,  
The 7th April, 1987.

Sd/- Deputy Secretary,  
Board of Revenue, West Bengal.

**GOVERNMENT OF WEST BENGAL**  
**Office of the Board of Revenue, West Bengal**  
Section—A III, Branch G.E.(M)

No. 2590(16)-G. E.(M)  
42/86

Dated, Calcutta the 21st March, 1986.

To The Collector,  
.....

Sub : Proposal for settlement of vested water areas with primary Fishermen's Co-operative Societies in preference to Central Fishermen's Co-operative Societies where Bank loan/subsidy is involved.

It has been proposed by the Fisheries Department of this Government that the vested water areas be settled by the Collectors preferably with the primary Societies of the Fishermen's Co-operative rather than the district level Central Fishermen's Co-operative Societies.

The present practice is that the Central Fishermen's Co-operative Societies distribute among its constituent primary societies the water areas settled with it i.e. the Central Society and in terms of Note below Rule 220 of the W. B. L. M. Manual such distribution by the Central Fishermen's Co-operative Societies among the affiliated primary fishermen's societies does not amount to "subletting".

The snag in the arrangement, according to the Fisheries Department, is that, if a few constituents default in payment, the Central Society itself fails to obtain any further Bank loan or subsidy, it being put in the ineligible category.

In the circumstances stated and as recommended by the Fisheries Department it has been decided by the Board of Revenue that vested water areas may be settled with the primary societies of fishermen's co-operative where the question of Bank loan/subsidy is involved in preference to the district level Central Fishermen's Co-operative Societies.

The period of such settlement of water areas should in no case be less than 10 (ten) years as has already been laid down in Board's Circular Nos. 321(17)-GE(M) dated 10.1.77 and 6665(15)-GE(M) dated 28-7-83 ( a copy each of which is enclosed ).

Sd/-Secretary,  
Board of Revenue, West Bengal.

Memo No. 2590/1(20)-G.E. (M)  
42/86

Copy forwarded to the :—

- 1) Secretary, Fisheries Department with reference to his D.O. No. 557/Fish/C-II, dated 1.2.86.

- 2) Department of Co-operation.
- 3) Registrar of Co-operative Societies, West Bengal.
- 4) Additional District Magistrate (L.R.).....  
for information and necessary action.

Calcutta, the 21st March, 1986.

Sd/- Secretary,  
Board of Revenue, West Bengal.

GOVERNMENT OF WEST BENGAL  
Office of the Board of Revenue, West Bengal  
Section—AIII, G. E. (M) Branch

No. 2271(15)-G.E.(M)  
256/83

Calcutta, the 12th March, 1982.

To  
The Collector/Deputy Commissioner,  
.....

Sub : Long term settlement of Khas/Vested non-agricultural lands to District School Boards on once-for-all payment of token amount for establishment of Primary Schools in rural areas for implementing the policy of universalisation of elementary education.

The education Deptt. have decided to set up 1200-1500 Primary Schools every year in the State with a view to implementing the present policy of the Govt. for universalisation of elementary education throughout the State. For implementing the Scheme the question of allotment of the land to the District School Boards at a concessional rent was under active consideration of the Govt.

2. It has been decided by the Govt. that long term lease of vested non-agricultural land not exceeding 10 ( ten ) Cottahs in the rural areas for each primary school may be granted to the District School Boards at a very nominal once-for-all payment of Re. 1/- to Rs. 100/- depending upon the quantum of land in respect of the Scheme and that this amount may be fixed at the rate of Rs. 10/- ( Rupees ten ) per cottah.

3. Collectors/Dy. Commissioners are hereby authorised to sanction grant of such long term settlements to the respective District School Boards. Copies of sanction orders should however, be sent to the concerned Divisional Commissioners and the Board of Revenue for information.

Sd/- Secretary,  
Board of Revenue, West Bengal.

Memo No. 2271/1(23)-GE(M)

Copy forwarded for information to :—

- 1) Education Department with reference to their Notes in their file No. 1472/SSE/83.
- 2) The Commissioner,.....Division.....
- 3) Addl. Dist. Magistrate (LR)/Addl. Dy. Commissioner (LR).....
- 4) The Director of Land Records & Surveys, West Bengal.
- 5) Land & Land Reforms Department, West Bengal.

Calcutta,  
12-3-84.

Sd/- Secretary,  
Board of Revenue, West Bengal.

GOVERNMENT OF WEST BENGAL  
Office of the Board of Revenue, West Bengal  
Section A (III), G. E. (M) Branch

No. 5078(17)-G. E.(M)  
377/80

Dated : Calcutta, the 2nd May, 1981.

To

The Addl. District Magistrate (LR)/  
The Addl. Deputy Commissioner (LR),

Sub : Long term settlement of part—vested tank with the owners  
retaining some portions—Form of lease for.

Ref. : Board's Memo. No. 7514(15)-G . E. dated the 26th April, 1976.

In the memo. referred to above it was advised that the vested portion of tanks might be given in long term settlement with the owners retaining the remaining portion(s) on realisation of proper selami and rent. No form of lease was, however, prescribed and sent therewith for execution of the deed of agreement.

A form for lease of such part—vested tanks with the owners is, therefore, sent herewith. Deed of lease may please be executed with those lessees only ( as per form enclosed ) who have already been given long term settlement of part-vested tanks on realisation of selami and rent in pursuance of instructions contained in Board's memo. under reference.

Sd/- Special Secretary,  
Board of Revenue,  
West Bengal.

Memo No. 5078/1(3)-G. E. (M)

Copy forwarded to the Commissioner,..... Division,.....  
for information in continuation of Board's Memo. No. 7514/1(118)-G. E. dated the 26th April, 1976.

Calcutta,  
The 2nd May, 1981.

Sd/- Special Secretary,  
Board of Revenue, West Bengal.

**Draft form of Lease for Settlement of part-vested Tank with the owner of the other portion ( retained portion ).**

This indenture, made this.....day of..... one thousand nine hundre and ..... between the Governor of the State of West Bengal hereinafter called the Lessor ( which expressio where the context so admits or implies shall be deemed to include his successors in office and assigns) of the ONI PART and.....son of..... village ....., in thana ..... in the district of..... by caste..... by occupation ....., hereinafter called the LESSEE which expressio shall where the context so admits or implies be deemed to include his heirs executors administrators and assign of the other part :

And Whereas the lessor is the proprietor of..... acre being the minor/major portior of the tank as described hereunder vested in the State under the West Bengal Estates Acquisition Act, 1953.

And Whereas the lessee is the owner retaining the remaining portion of the tank hereinafter mentionec and described in Part I of the schedule hereunder has applied to Government/Collector for long term lease o the said vested portion measuring.....acre of the tank for the purpose of pisciculture under Rul 222(c) of the West Bengal Land Management Manual, 1977.

And Wheras the lessor agreed to demise the said vested portion of the tank as described hereunder to the said Lease for a period of 30 ( thirty ) years.

Now This Indenture witnesseth that in consideration of the payment to the Lessor by the Lessee of th sum of Rs. .... ( Rupees.....) on or before execution o these presents and of the rent hereby reserved and fully mentioned in Part II of the said Schedule hereunde written and of the covenants and conditions contained in Part II of the said Schedule hereunder written on th part of the Lessee to be paid observed and performed the Lessor doth hereby demise unto the Lessee the portio of the tank vested in the State more particularly mentioned and described in Part I of the Schedule hereunde written to Hold the same into the lessee for the period of thirty years from the.....day of..... yielding and paying therefor the rents at the time and in the manner specified in Part II of the said Schedul hereunder written to be paid to the Collector.

In witness whereof the parties to these presents have hereunto set and subscribed their respective hand and seals the day, month and year first above written.

Signed sealed and delivered by the Collector/Deputy Commi<sup>s</sup> ssioner of ..... for and on behalf of the Governor of the State of West Bengal in presence of :—

First witness :

Second witness :

For and on behalf of the Governor of th State of West Bengal.

( Signature )

Collector/Deputy Commissioner  
Seal.



Signed sealed and delivered by the  
Lessee in the presence of—

First Witness :

Second Witness :

THE SCHEDULE ABOVE REFERRED TO

Part—I

Particulars of the Plot/Tank :

Mouza....., Jurisdiction List No..... Parganas.....  
Police Station..... Sub-Registration Dist..... District.....  
Khatian No..... Plot No..... Share..... Area.....

Boundaries of the plot/Tank

North :

East :

South :

West :

PART II

1. The Lessee shall carry out the terms embodied in this lease and will continue to be bound thereby.
2. The Lessee shall pay the annual rent of the leasehold portion of the tank in the Collectorate of.....  
.....for the first year of the lease before its execution and that for subsequent years in advance  
before the 31st day of March immediately preceding the year for which the rent is payable.
3. In default of payment of rent within the date fixed in the preceding clause the Lessee shall be bound to pay in addition to the arrear interest at the rate of 6½ per cent per annum on the amount of arrear till the day of payment and the arrears when not paid within 21 days of the date on which they fall due, shall together with interest payable thereon, be realisable as a public demand under the Bengal Public Demands Recovery Act or under any other Law for the time being in force.
4. The Lessee shall preserve the limits of the property hereby leased and protect the interest of the Lessor therein and shall not suffer any person to dispose him or Lessor therefrom or from any part thereof.
5. The Lessee shall not, or allow any one to, do any act detrimental to the interest of public health or pollute the water of the fishery or commit any act in connection therewith which in the opinion of the Collector may seem undesirable.
6. The Lessee shall not use or permit any other person to use the demised property/tank or any part thereof for a purpose other than that for which it is leased or in a manner which renders it unfit for use for the purpose of pisciculture.

7. The Lessee will give all facilities for inspection or survey of the property leased which may be ordered to be made by the Collector.

8. Should the Lessee duly and faithfully observe and fulfil the terms conditions and covenants on the part of the Lessee herein contained, the Lessee shall on the expiration of the aforesaid period of thirty years be entitled to have a renewal of the lease for a like period of thirty years and thereafter to successive like period upon the same terms and conditions save as to rent which may be increased or otherwise varied in accordance with the provisions of the law or rules as may be in force for the time being.

9. If the Lessee dies before the expiration of the period of this lease or assigns his leasehold interests in the property/tank described in Part I of the Schedule hereunder written, the heirs executors administrators representatives or assigns of the lessee shall duly get their names registered in the Collectorate within three Calendar months after obtaining possession of the property/tank and will possess and use it and be bound by all terms covenants and conditions herein contained.

10. If the Lessee is found to possess land in excess of ceiling area applicable to him under the West Bengal Land Reforms Act and/or the Urban Land ( Ceiling and Regulation ) Act, 1976 the Lessor shall have the option to determine the lease and resume possession of the property leased out under this indenture and the Lessee shall not be entitled to any compensation for such resumption.

11. In the event of any breach by the Lessee of any of the covenants hereinbefore contained then and in any such case this lease shall, at the option of the Lessor and notwithstanding the waiver of any previous breach, cease and determine.

**GOVERNMENT OF WEST BENGAL**  
**Office of the Board of Revenue, West Bengal**  
Section—AIII, GE(M)—Branch

No. 2035(15)-G.E.(M)

Dated, Cal. the 21st Feb., 1981.

To  
The Collector/Deputy Commissioner,  
.....

Sub : Principles to be followed in the matter of settlement of  
Khas/vested land with Panchayati Institutions.

In Board's Memo No. 12495(15)-GE(M) dated 14/26.9.79 principles to be followed for settlement of Khas/vested non-agricultural land with the Panchayati Institutions for implementing Schemes-Commercial, Industrial for the benefit of the Rural Poor and fixation of rent and selami for such lands have been communicated. Now a question has arisen as to how the khas and vested lands required by the Panchayati Institutions for their use for any purpose other than those mentioned in the above mentioned Circular should be settled,

After careful consideration it has been decided by the Board that khas/vested non-agricultural land required by the Panchayati Institutions for any purpose other than those mentioned in the Circular No. 12495(15)-GE(M) dated 14/26.9.79 should be settled in the following manner :—

- i) Settlement should be made on long term basis on payment of usual rent and Selami in terms of rule 166 of the W. B. L. M, Manual, 1977 ;

- ii) requirement of advertisement as provided in rule 167 of W.B.L.M. Manual 1977 may be dispensed with, and
- iii) delivery of advance possession may be given to the Panchayati Institutions subject to a written undertaking by the Panchayat body to the effect that it would pay such rent and selami as may be fixed for the land.

Sd/- S. Singh

Secretary, Board of Revenue, West Bengal &  
( ex-officio ) Joint Secretary to the Govt. of  
West Bengal, Land and Land Reforms Deptt.

Memo No. 2035/1(3)-GE (M)

Copy forwarded to the Commissioner, .....Division, ..... for information.

Dated : Calcutta,  
the 21st February, 1981,

S. Singh  
Secretary,  
Board of Revenue, West Bengal.

**GOVERNMENT OF WEST BENGAL**  
**Office of the Board of Revenue, West Bengal**  
Section—A (III), G. E. (M) Branch

No. 15457-GE(M)

Dated : Calcutta, the 15th October, 1980.

To  
The Secretary,  
Panchayat Deptt.

Sub : Management of khas tanks/fisheries handed over to Panchayats.

A reference is invited to para 4 of Board's Memo No. 2634(15)-GE(M) dated 7th March, 1979 a copy of which was endorsed to him under Memo No. 2634/1(22)-GE(M) dated 7th March, 1979. It was envisaged therein that khas or vested tanks which were made over to the Panchayatiraj institutions would be settled with the Co-operative Societies of fishermen or groups of fishermen sponsored by the Panchayats.

2. Representations have been received that in some cases such tanks have been settled with individuals instead of Co-operative Societies or groups of fishermen. The Board of Revenue would like to emphasise that efforts at all levels should be made to harness the maximum potentialities of the vested tanks whose management and control have been handed over to the Panchayatiraj institutions. It is accordingly felt that if the Panchayats directly manage the tanks handed over to them this will not only help development of fisheries but also creation of assets for the Panchayats. The Panchayats may also come forward to participate in intensive fishery development programmes undertaken by the Deptt. of Fisheries. It has been decided in consultation with the said department that they would extend all technical help and co-operation to the Panchayats in such efforts.

3. If direct management of such fisheries by the Panchayats cannot be made due to unavoidable reasons, those should be settled under rule 221 of the West Bengal Land Management Manual, 1977. In making such settlement the Panchayats may lease out the tanks to groups of fishermen sponsored by them if attempts to settle the same with the Co-operative Societies of fishermen recommended by the Registrar of Co-operative Societies fail. It is requested that all attempts should be made to avoid settlement of such tanks with individuals.

This may kindly be brought to the notice of the Panchayatiraj institutions.

Sd/- Special Secretary,  
Board of Revenue, West Bengal.

Memo No. 15457/1(37)-GE(M)

Copy forwarded to :—

1. Sabhadhipati ..... District for information. He is requested to issue necessary instructions to the Panchayatiraj Institutions in this regard.
2. Commissioner..... Division.....
3. Addl. Dist. Magistrate (LR)/Addl. Deputy Commissioner (LR)..... District.
4. Fisheries Department with a request to issue instructions to the field officers to extend necessary technical help and co-operations to the Panchayats participating in intensive fisheries development.

Dated : Calcutta,  
The 15th October, 1980.

Sd/- Special Secretary,  
Board of Revenue, West Bengal.

GOVERNMENT OF WEST BENGAL  
Office of the Board of Revenue, West Bengal  
Section-A(III), G. E. (M)-Branch

No. 7510 (18)-GE(M)  
444/78

Dated, Calcutta, 22nd May, 1980.

To  
The Addl. Dist. Magistrate ( LR )/  
The Addl. Dy. Commissioner ( LR )

Subject : Transfer of Khas vested hats and bazars to the Regulated Market Committees.

Reference : This office memo. no. 681(18)-GE(M) dt. 24-1-80/12-2-80  
[and memo no. 16-GE(M) dt. 2. 1. 80]

[ ] For A. D. C.. Cooch Behar only

In inviting a reference to the memo. No. quoted above the undersigned is directed to say that it has since been decided by the Board in consultation with the Agriculture Department that the vested/khas hats and

bazars included in the list enclosed therewith should be settled with the regulated Market Committees Concerned in terms of the provisions of the Land Management Manual, 1977 with effect from 1st Baisakh, 1387 B. S./expiry of the present term of lease, if any, on the following terms and conditions :—

- (i) hats and bazars should be settled on lease with the Regulated Market Committees initially for a period of fifteen years on economic rent subject to right of enhancement of the lease rent after every three years ;
- (ii) the economic lease rent for the hats and bazars should be fixed on the basis of average lease rent for the preceding three years ;
- (iii) if the regulated Market Committees Concerned are not in a position to pay the ( entire economic lease rent at a time, they may be allowed to pay the annual lease rent during the first three years of lease in four equal quarterly instalments payable in advance at the beginning of each quarter subject to a review of the payment procedure thereafter ;
- (iv) the hats/bazars, which are under khas management i. e. managed by engaging different categories of staff sanctioned for management of the respective hats/bazars only, should be transferred to the Regulated Market Committees along with those staff.

The Board has no objection to the mortgaging of the leasehold interest of the hats/bazars to the Banks for procuring loans by the lessee R.M.C. for proper and effective utilisation and intensive development of the hats/bazars concerned.

The list of hats and bazars transferred to the Regulated Market Committees Concerned along with economic rent fixed for each should be sent to the Board in due course.

Sd/- Secretary,  
Board of Revenue, West Bengal & Jt. Secy.  
( ex-officio ), L. & L. R. Department.

Memo No. 7510/1(19)-GE(M)

Copy forwarded to :—

1. Secretary, Agriculture Department.
2. Commissioner.....Division.....
3. Collector/Deputy Commissioner,.....  
for information.

Calcutta,  
The 22nd May, '80.

Sd/- Assistant Secretary,  
Board of Revenue, West Bengal.

Government of West Bengal  
Office of the Board of Revenue, West Bengal  
Section—A G. E. (M)—Branch

No. 3868(18)-G.E (M)  
425/78(Pt. 1)

Dated : Calcutta, the 14th/17th March, 1980.

To  
The Addl. District Magistrate ( L. R. )/  
The Addl. Deputy Commissioner ( L. R. ).

Subject : Making over of Sairati interests to the Panchayat Institutions.

Consequent upon the issue of the instructions regarding transfer of different Sairati interests viz. Khas/Vested tanks and fisheries, ferries and hats and bazars to the Panchayat Institutions several references have been

received from the different district officers whether other Sairati interests viz ; Mela, Ghaskar, Falkar, Bhagar, Khutagari, Haddigari & Public ferries, should be transferred to the Panchayat Institutions. After careful consideration it has been decided that :

- 1) the Sairati interests namely, Mela, Ghaskar, Falkar, Bhagar and Haddigari interests should be handed over to the Gram Panchayats with effect from 1st Baisakh, 1387 B.S. or with effect from the date of expiry of present term of Settlement if any,
- 2) the Khutagari interests should be transferred to the Panchayat Samities with effect from 1st Baisakh, 1387 B S. or with from the date of expiry of present term of Settlement if any, and
- 3) the ferries which have been declared as "public ferries" under the Bengal Ferries Act, 1885 should remain exclusively under the control of the District Magistrate as provided in rule 227 of the Land Management Manual unless otherwise decided by the Administrative Department.

Sd/- A. K. Chakraborti  
Special Officer & ( ex-officio ) Secretary,  
Board of Revenue, West Bengal.

Memo No. 3868/1 (19)-G. E. (M)

Copy forwarded to :—

1. The Commissioner,.....Division.....
2. The Collector/Dy. Commissioner,.....
3. The Department of Panchayat.

Calcutta,  
The 14th/17th March, 1980.

Sd/- Special Officer & ( ex-officio ) Secretary,  
Board of Revenue, West Bengal.

GOVERNMENT OF WEST BENGAL  
Office of the Board of Revenue, West Bengal  
Section—A(III), G. E. Branch

No. 12495(15)-G. E.(M)

Dated : Calcutta, the 14th September, 1979.  
26th

To  
The Collector.....

Sub :—Settlement of khas/vested non-agricultural land with the Panchayati Institutions for implementing schemes, Commercial and Industrial, for the benefit of the Rural Poor and fixation of rent and selami for such lands.

A proposal for settlement of khas or vested non-agricultural land with the Panchayati Institutions on a long term basis free of cost for implementing schemes, commercial and industrial, under the Integrated Rural

Development Programme which aims at boosting up the income levels of the weaker sections of the rural population has been under active consideration of the Govt. for some time.

It has been since decided by the Govt. that where the land is required by the Panchayati Institutions for commercial and industrial schemes like Grain Golla, Brick making or some Cottage industry etc. long term lease may be granted at @ 2% instead of the usual rent of 4% of the market value of the land and selami at 10 (ten) times of such rent.

However, in consideration of the initial difficulties of the commercial and industrial ventures a moratorium may be given on realisation of rent and selami for the first five years i. e. Govt. dues are to be realised at the above rates from the sixth year of the launching project.

In respect of other schemes which are entirely for public purpose such as road, Pathways, community drinking well, community centres, dharma gollas ( but excluding grain gollas for commercial purpose ) long term lease may be allowed on a very token once-for-all payment of Re. 1/- ( Rupee one ) to Rs. 100/- ( Rupees one hundred ) only, depending upon the quantum of land.

All the cases of Panchayati Institutions requiring khas or vested non-agricultural lands may kindly be processed accordingly and necessary proposals be sent through the Divisional Commissioner for formal approval of the Board.

Sd/- Secretary  
Board of Revenue, West Bengal.

Memo No. 12495/1(27)-GE(M)

Copy forwarded to :—

1. The Addl. District Magistrate/Addl. Deputy Commissioner (LR),.....
2. The Settlement Officer,.....
3. The Director of Land Records & Surveys, West Bengal for information and necessary action.

Calcutta,  
The 14th/26th September, 1979.

Sd/- Secretary,  
Board of Revenue, West Bengal.

Memo No. 12495/2-GE (M)

Copy with a copy of the endorsement forwarded to the Panchayats and Community Development Department for information with reference to their Memo No. 186/Panch/79 dated 4. 7. 79.

Calcutta,  
The 14th/17th September, 1979.

Sd/- Secretary,  
Board of Revenue, West Bengal.

**GOVERNMENT OF WEST BENGAL**  
**Office of the Board of Revenue, West Bengal**  
Section—AIII, G. E. (M) Branch

No. 5777 (18)-G. E.(M)

Dated : Calcutta, the 17<sup>th</sup> May, 1979.  
21<sup>st</sup>

To  
The Addl. District Magistrate ( L.R. )/Addl. Deputy Commissioner (L.R.),  
.....

Sub : Making over of all khas or vested tanks, ferries etc. to the Panchayat Institutions.

In Board's Memo. No. 2634/1(22) G. E. (M) dated 7. 3. 79 instructions were issued for making over khas or vested tanks and ferries to the Panchayat Institutions in phases in accordance with the decision of the Cabinet Sub-Committee on Panchayat Institutions.

It is clarified for his information that Sairati interests such as Khas or vested water areas, hats, bazars, ferries etc. which are State Govt's property will not vest in the Panchayats with the making over of such properties to the Panchayat Institutions. The said Sairati interests are being handed over to the Panchayats only for management and control by them. The properties will thus continue to be the properties of the L. U. & R. & L. & L. R. Deptt./Board of Revenue, West Bengal.

It may also be noted that if and when Govt. would require any such property for any purpose it would be free to resume possession without payment of any compensation to either the Panchayat Institutions or their lessees/licenses.

Since the Panchayats would hold the properties only for management and control they will have no right to dispose of or alienate any such property in any manner except by way of short term lease/license subject to the right of the L. U. & R and L & L. R. Deptt./Board of Revenue to resume.

Further, since the properties would continue to be the properties of the L U. & R and L & L. R. Deptt./Board of Revenue, provisions of the G. E. Manual would be applicable with such modification or circulars as may be issued from time to time for the purpose of leasing out those properties under the Panchayats.

In this context clarification on different points raised in connection with the handing over the Khas or vested tanks, ferries etc. are given below :—

**Points raised**

**R e p l y**

1. If possession of Khas or vested tanks which have already been settled for 1386 B. S, and lease rent realised but possession not yet given to the lessee should be made over to the Panchayat bodies.

No. Such vested tanks may be handed over to the Panchayat Institutions on the expiry of the term i. e., 31st Chaitra, 1386 B.S.



2. Whether closed Channels, closed Khals, Beels and baors will also be treated as tanks in the broadest sense although rule 274 of the G. E. Manual views tanks separately from "closed Channels" and "closed Khals".
3. If partly vested tanks which are required to be settled on long term basis with the owners of the retained portion and river fisheries should also be handed over to the Panchayat bodies.
4. Whether the Panchayat Institutions are expected to lease out the tanks strictly in terms of the provisions of the G. E. Manual when it has been enjoined in Board of Revenue's Circular No. 2634 (15) G.E. (M) dated 7.3.79 that groups of Fishermen sponsored by the Panchayats may be treated on par with the Co-operatives of Fishermen for the purpose of giving settlement of vested tanks, and in that case the role of the J. L. R. Os in the Settlement to be made by the Panchayats.
5. If vested/khas ferries which have been settled for 1386 B. S. after holding auction and lease rent realised but possession not yet delivered should also be made over to the Panchayat Institutions.
6. Whether Khas ferries are to be handed over to the Panchayat bodies.
7. What steps should be taken in respect of Sairati interests falling within the jurisdiction of Municipal areas.
8. Whether any rent will be realised from the Gram-Panchayats for making over possession of the Khas or vested tanks/ferries etc.
9. What procedure will be followed for making over possession of Khas or vested tanks, ferries etc. to the Panchayat Institutions.

In addition to the vested tanks, vested beels, Baors, damush, closed Khals, closed Channels and the like which are not big in area may be handed over to Panchayat bodies.

River fisheries and big water areas should not be handed over to the Panchayat Institutions. They will continue to be given in settlement by district Officers as per provision of the G. E. Manual.

The part-vested water areas may be offered to the Panchayats. If, however, the Panchayats do not take over such part-vested water areas the present practice of settling the same with the owner of the retained portion may continue until further orders.

The provisions of the G. E. Manual would be applicable with such modification or circulars as may be issued from time to time. Except in an advisory capacity, the J. L. R. Os will have no role to play, since the Panchayat bodies are expected to act on their own.

No such ferries should be made over on the expiry of the term i.e., 31st Chaitra, 1386 B. S.

Yes.

In terms of section 6 of the West Bengal Panchayat Act, 1973 since such Sairati interests do not fall within the Gram-Panchayats, they need not be handed over to the Panchayat bodies. Settlement in such cases will continue to be made as per rules by the Officers of the Land Reforms wings of the Collectorate.

No.

A Specimen form for handing over is enclosed.

10. Whether vested hats and bazars will also be made over to the Panchayat Institutions when there is no mention of them in Board's Memo No. 2634 (15)-G.E. (M) dated 7 3.79.

Since the year 1386 B. S. has already started such hats and bazars may be settled by the district Officers for this year as per provisions of the G. E. Manual.

The question of handing over such hats to the Panchayats will be taken up after the Department of Agriculture indicates their preference for retaining some hats and markets to be settled with the Regulated Market Committees.

It is requested that the making over operation may be processed accordingly.

The Department of Panchayat & C. D., Divisional Commissioners and Collectors are being informed.

Sd/- Secretary,  
Board of Revenue, West Bengal.

Memo No. 5777/1(19)-G.E. (M)

Copy forwarded to the :—

1. Department of Panbhayats & C. D.
2. Commissioner..... Division .....
3. Collector.....

for information and necessary action.

Sd/-Secretary,  
Board of Revenue, West Bengal.

Calcutta, The 17th May, 1979.

### FORM FOR MAKING OVER POSSESSION

In pursuance of orders contained in Board of Revenue's Memo No. 2634/1(22)-G.E.(M) dated 7th March, 1979 the following Sairati interests/properties are hereby made over to the Pradhan,..... Gram Panchayat/Sabhapati..... Panchayat Samity/Sabhadhipati..... Zilla Parishad for the purpose of management and control subject to the conditions : that—

- i) The making over of the properties/interests of the L. U. & R. and Land and Land Revenue Department/ Board of Revenue, West Bengal does not confer on the Panchayats and proprietary rights in the same ;
- ii) The properties/interests would continue to be the properties of Land Utilisation and Reforms and Land and Land Revenue Department/Board of Revenue, West Bengal ;
- iii) The Zilla Parishad/Panchayat Samity/Gram Panchayat will have no right to dispose of or alienate such properties in any manner except by way of short term lease/license subject to the right of the L. U. and R. & L. and L. R. Department/Board of Revenue to resume.

iv) Government in the L. U. & R. and L. & L. R. Deptt. are free to resume possession of such properties without paying any compensation either to the Zilla Parishad/Panchayat Samity/Gram Panchayat or to their lessees/licenses if the interest/properties are required by the Government for any purpose.

.....  
Signature of S.L.R.O./J.L.R.O.

### SCHEDULE OF PROPERTIES

- 1.
- 2.
- 3.
- 4.

### DECLARATION OF ACCEPTANCE

I, Shri ..... Sabhadhipati, ..... Zilla Parishad/  
Sabhapati..... Panchayat Samity/Pradhan, ..... Gram Panchayat hereby accept  
without any reservation the terms and conditions laid down in the aforesaid order and take over possession of the  
properties/interests mentioned therein for management and control thereof.

Place.....

Date .....

Signature.....  
Sabhadhipati..... Zilla Parishad.  
Sabhapati..... Panchayat Samity.  
Pradhan..... Gram Panchayat.

GOVERNMENT OF WEST BENGAL  
Office of the Board of Revenue, West Bengal  
Section—A G.E.(M) Branch

No. 2634(15)GE(M)

Calcutta, the 7th March, 1979.

To : The Collector, .....

Sub : Making over of all khas or vested tanks and ferries to the Panchayat Institutions.

In accordance with the decisions taken by the Cabinet Sub-Committee on Panchayat Institutions for the transfer of khas or vested tanks, hats, bazars and ferries to the Panchayat bodies for their control and management it has been decided by the Board of Revenue that the following steps should be taken for the quick implementation of the decisions :—

- i) Lists of khas or vested tanks ( Gram Panchayat-wise in respect of which the lease or settlement with the private individual or fishermen or Cooperative Societies of fishermen etc. expires on the last day of Chaitra, 1385 B.S., should be prepared immediately.
  - ii) As soon as the Lists are prepared such khas or vested tanks should be formally handed over to the respective Gram Panchayats on and from the 1st Baisakh, 1386, B.S.
  - iii) Likewise lists of khas or vested tanks remaining unsettled may be prepared and such tanks handed over to the Gram Panchayats immediately.
  - iv) Separate lists of khas or vested tanks ( Gram Panchayat-wise ) in respect of which lease or settlement would expire on subsequent years should be prepared immediately indicating against each the date on which the term expires.
  - v) As and when the tenure of lease or settlement of such tanks expires these should be promptly handed over formally to the concerned Gram Panchayats.
  - vi) In case any khas or vested tanks whose jurisdiction extends over more than one Gram Panchayat, such khas or vested tank should be handed over to the Panchayat Samity.
  - vii) Khas or vested tanks extending over more than one Panchayat Samity, should be handed over to the Zilla Parishad concerned.
  - viii) In respect of vested ferries Panchayat Samiti-wise lists of such ferries in respect of which the lease or settlement expires on the last day of Chaitra, 1385 B.S. should be prepared immediate and such ferries formally handed over to the respective Panchayat Samities.
  - ix) A complete Panchayat Samiti-wise list of vested ferries whose terms expires on subsequent years should also be prepared immediately indicating against each the date of expiry of settlement so that they may be handed over to the concerned Panchayat Samiti on time.
  - x) The ferries covering more than one Panchayat Samiti may be handed over to the Zilla Parishad after expiry of their tenure of lease or settlement.
2. A copy each of the list of khas or vested tanks and ferries of your district referred to in (i), (iii), (iv), (vii) and (viii) above may kindly be sent to the Board of Revenue as soon as they are prepared, for its information and record.
  3. The Board of Revenue may also be supplied with a copy of list of khas or vested tanks and vested ferries which are handed over to the Panchayat bodies on and from 1st Baisakh, 1386 B.S. and on subsequent dates or years.
  4. Khas or vested tanks are settled with the Co-operative Societies of fishermen in terms of rule 273 of the G.E. Manual. Groups of fishermen sponsored by the Panchayats may, however, be treated on par with the Co-operatives of fishermen for the purpose of giving settlement of khas or vested tanks by the Panchayat Institutions.

Sd/- Secretary,  
Board of Revenue, West Bengal.

Memo. No. 2634/1(22)-GE(M)

Copy forwarded to :

- 1) The Department of Panchayats.  
The attention of the Panchayat Department is drawn specially to the last paragraph of the circular.
- 2) The Commissioner..... Division.....
- 3) The Addl. Dist. Magistrate (LR)/The Addl. Dy. Commissioner (LR).....

for information and necessary action.

Calcutta, the 7th March, 1979.

Sd/- Secretary,  
Board of Revenue, West Bengal.

GOVERNMENT OF WEST BENGAL  
Office of the Board of Revenue, West Bengal  
Section—AIII, G. E. (M) Branch

No. 321 (17)-G. E. (M).

Dated, Calcutta, the 10th January, 1977.

To  
The Additional District Magistrate (LR),

Subject : Long term lease of the vested water-areas with provision for mortgage of such water-areas by the lessees for procuring Bank Loans for their proper and effective utilisation.

It has been proposed by the Fisheries Department of this Government that for proper and effective utilisation and intensive pisciculture, vested water-areas should be settled with Co-operative Societies of Fishermen and others ( in cases of non-availability of suitable Co-operative Societies to take the lease ) on a long term basis for at least ten to fifteen years with provision for mortgaging such water-areas to Banks for procuring loans by the lessee Society.

2. The proposal of the Fisheries Department has been duly considered by the Board of Revenue and it has been decided that vested tanks/water-areas may be settled by the Collectors of the district with Co-operative Societies of Fishermen and others ( in cases of non-availability of suitable Co-operative Societies to take the lease ) in accordance with the procedures laid down in the G. E. Manual for a period of ten to twenty years when such settlement will serve a useful purpose. But in determining the optimum period of lease, the Collectors should look both to the interest of pisciculture as also the organisation taking the lease, particularly where the water-area, which is being leased out, is large and requires a considerable amount of development and reclamation work.

The Board of Revenue has not also any objection to the mortgaging of the leasehold interest of the water-areas to Banks for procuring loans by the lessee society/lessee. The following clause may be incorporated in the lease form No. 12 in Appendix IV of the G.E. Manual :

"No person with whom a tank is or has been settled shall be entitled to transfer such tank/water-area except by way of a simple mortgage or a mortgage by a deposit of the title deeds in favour of Scheduled Bank or a Co-Operative Society or a Corporation owned or controlled by the Central or State Government or both for the purpose of obtaining loan for the development of tank/water-area or for the improvement of pisciculture."

Sd/-J. R. Saha  
Secretary,  
Board of Revenue, West Bengal.

GOVERNMENT OF WEST BENGAL  
Office of the Board of Revenue, West Bengal  
Section—A(I) G. E. (M) Branch

No. 6665(15)-G.E.(M).

Dated, Calcutta, the 28th July, 1983.

To  
The Collector/Deputy Commissioner,  
.....

Subject : Period of settlement of water-areas with the Fishermen's  
Co-operative Society etc.

Rule 222 (ii) of the West Bengal Land Management Manual, 1977 envisages that Beels, Baors, tanks and closed khals or channels should ordinarily be leased out for a period of 10 ( ten ) years and the procedure laid down in rules 220 and 221 ibid will apply to these leases.

It has been represented by the Fisheries Department that such water areas as mentioned above, in most cases, are settled with the Fishermen's Co-operative Societies for a period of less than ten years. This creates a sense uncertainty among the Fishermen's Co-operative Societies or fishermen with whom settlement is made with the result that they cannot put in adequate efforts and expenditure for getting the maximum yield from the fisheries. This ultimately results in slackening of piscicultural production.

In the circumstances, stated above, he is requested kindly to ensure that such water-areas as Beels, Baors, tanks and closed khals are settled with the Fishermen's Co-operative Societies or group of fishermen for a period of which should not be less than ten years as laid down in rule 222 (ii) of the West Bengal Land Management Manual, 1977.

Sd/- S. Dutta, Secretary,  
Board of Revenue, West Bengal.

**GOVERNMENT OF WEST BENGAL**  
**Office of the Board of Revenue, West Bengal**  
Section—A-I, L. H. R. Branch

No. 12484(3)-L H.R.  
4/82

Dated, Cal. the 14th Dec., 1982.

To : The Commissioner, ..... Division & Chairman,  
Regional Rating Board under W. B. Land Holding Revenue Act.

Sub : Implementation of West Bengal Land Holding Revenue Act, 1979.

It has come to the notice of the Board that there is some confusion among the field functionaries in the matter of implementation of the above-mentioned Act. For removal of such confusion all concerned may please be informed of the following instructions :—

(1) Under the said Act, the Regional Rating Board shall assess the rateable value or values for the area or areas within the region on the Basis of 10% of the market value of the land in the area to be determined in the prescribed manner.

(2) The manner for determination of the market value of land has been prescribed in Rule 5 of the West Bengal Land Holding Rules, 1980.

(3) The prescribed Authority i. e., the D. L. R. & S. has already determined the areas in respect of eleven out of fifteen districts as required under Rule 6 of the said Rules and has informed all concerned.

(4) For the purpose of assessment of market value in terms of Rule 5, Five per cent of the mouzas of a Police Station have to be selected at random basis for collection of basic Sale Note from Registration Offices. Board of Revenue in its Memo. No. 14873 (3)-L. H. R., dated 23-12-81 has laid down the manner in which the mouzas are to be selected for the purpose.

In regard to collection of basic Sale Note from the registration Offices, it has been decided that the Land Acquisition Set-up of the Collectorates would taken up the work of collection of basic Sale Note from the Registration Offices. In this connection, Board's Memo. No. 4844(3)-G. E., dated 7-5-82 may please be referred to Revenue has also issued Memo No. 7263(3)-L.H.R., dated 12-7-82 prescribing the proforma of monthly return in respect of collection of basic Sale Note.

(5) The primary task is now, therefore, to collect the Sale Note through the agency of the Land Acquisition Set-up of the Collectorates and to furnish returns in the prescribed proforma.

(6) As soon as the collection of Sale Note in respect of a mouza is complete, the subsequent stages of operations as laid down in Rule 5(1)(b) and (c) of the W. B. Land Holding Revenue Rules, 1980 should be taken up and the progress should be reported in the prescribed proforma.

(7) Since the Commissioners are the Chairmen of Regional Rating Boards, all correspondence in the matter should be addressed to him with copy to the Board of Revenue and the Land and Land Reforms Department.

(8) The Commissioners of the Divisions are requested to gear up the machineries so that the preliminary stages prior to assessment of rateable value by the Regional Rating Board is complete as soon as possible.

(9) It may, however, be pointed out that since there is a Civil Rule against the implementation of the Act, the official work as detailed above will only be carried out and no formal publication of the statement of rateable value will be made without prior approval of the Board of Revenue.

Sd/- Special Secretary,  
Board of Revenue, West Bengal.

Memo. No. 12484/1(33)-L. H. R.

Copy forwarded to the :—

1. Land and Land Reforms Department, Government of West Bengal ;
  2. District Magistrate/Deputy Commissioner,.....
  3. Additional District Magistrate/Additional Deputy Commissioner, (L. R.),.....
- for information.

Calcutta,  
The 14th December, 1982.

Sd/- Special Secretary,  
Board of Revenue, West Bengal.

GOVERNMENT OF WEST BENGAL  
Office of the Board of Revenue, West Bengal  
Section—A I, G. E. Branch

No. 11974 (15)-G. E.  
270/2

Calcutta, the 25th Nov., 1982.

From : Shri S. Datta, I. A. S.,  
Special Secretary,  
Board of Revenue, West Bengal,  
Writers' Buildings,  
Calcutta-1.

To  
The Collector,  
.....

Subject : Amendment of West Bengal Land Holding Revenue Act.  
to provide for collection of Land Revenue under W. B.  
L. R. Act. and rent under N.A.T. Act, pending assess-  
ment under W. B. L. H. R. Act.

The undersigned is directed to say that the West Bengal Land Holding Revenue Act, 1979 has been amended under West Bengal Land Holding Revenue ( Amendment ) Act, 1982 ( Act XXIII of 1982 ) to provide the following :—



(a) To sub-section (1) of Section 26 of the West Bengal Land Holding Revenue Act, 1979, the following proviso shall be added and shall be deemed always to have been added :—

“Provided that notwithstanding the provisions of sub-section (1), the liability of a raiyat to pay revenue for his holding and collection of such revenue in accordance with the provisions of the West Bengal Land Reforms Act, 1955 shall continue till the revenue in respect of such holding of a raiyat is assessed, determined and levied in accordance with the provisions of this Act :

Provided further that such payment of revenue made by a raiyat shall, in the manner prescribed, be adjusted towards the revenue payable by such raiyat in respect of his land holding on being assessed and determined in accordance with the provisions of this Act or be refunded to the raiyat if after assessment and determination of the revenue under the provisions of this Act, it is found that the raiyat is not liable to pay any revenue.”

(b) To sub-section (1) of section 27 of the West Bengal Land Holding Revenue Act, the following provisions shall be added and shall be deemed always to have been added :—

“Provided that notwithstanding the cessation of the provisions of the West Bengal Agricultural Tenancy Act, 1949 in any district, the liability to pay rent for non-agricultural land in accordance with the provisions of the West Bengal Non-agricultural Tenancy Act, 1949, shall continue till the revenue in respect of such land holding is assessed, determined and levied under the provisions of this Act :

Provided further that such payment of rent made for non-agricultural land in any district, shall in the manner prescribed, be adjusted towards the revenue payable in respect of such land holding on being assessed and determined in accordance with the provisions of this Act or be refunded if after assessment and determination of the revenue under the provisions of this Act, it is found that no revenue is payable on such land holding.”

2. As a result of this amendment, the raiyats continue to be liable to pay land revenue in terms of Section 23B of W. B. L. R. Act in respect of their holdings till assessment of “land holding revenue” under the W. B. L. H. R. Act is complete. The Non-agricultural Tenants also continue to be liable to pay rent in respect of their non-agricultural tenancy till “land holding revenue” is assessed in respect of their holdings under the W. B. L. H. R. Act.

3. Collector is, therefore, requested to take immediate steps for collection of land revenue and rent with effect from 1st Baisakh, 1388 B. S. which was heitherto suspended because of the coming into force of the W. B. L. H. R. Act with effect from that date. The Rent Receipts granted against payment of such revenue should bear the following endorsement :—

“Subject to adjustment/recovery of balance, if any, after assessment and determination of revenue under the West Bengal Land Holding Act, 1979 with effect from 1st Baisakh, 1388 B. S.”

4. All concerned may please be instructed accordingly.

5. The instructions contained in para 5 of Memo. No. 901(15)-L. Ref. dated 22. 4. 1981 of L. & L. R. Deptt. hereby stand withdrawn.

Sd/- Special Secretary,  
Board of Revenue, West Bengal.

Memo No. 11974/1(122)-G. E.

Copy forwarded to —

1. Land & Land Reforms Department.
2. The Commissioner,.....
3. The A. D. M. ( L R )/A. D. C. ( L R\* ),.....
4. The Sub-divisional Officer,.....
5. The Sub-divisional Land Reforms Officer,.....
6. Section A. II of Board's Office,  
for information.

Dated, Calcutta,  
the 25th Nov. 1982.

Sd/- Special Secretary,  
Board of Revenue, West Bengal.

**GOVERNMENT OF WEST BENGAL,  
Office of the Board of Revenue, West Bengal  
Section—A I, L.H.R. Branch**

No. 14873(3)-L.H.R.  
5/81

Dated, Calcutta the 23rd December, 1981.

To  
The Chairman,  
Regional Rating Board, and  
the Commissioner, ..... Division,.....

Sub : Selection of Mouzas for the purpose of determination of market value  
of land in an area or areas under clause (a) Rule 5(1) of W. B.  
L. H. R. Rules, 1980.

It has been laid down in Section 5(a) of the West Bengal Land Holding Revenue Act, 1979 that a Regional Rating Board shall assess the rateable value or values for the area or areas within the Region on the basis of 10% of market value of land in the area to be determined in such manner as may be prescribed. Rule 5(1)(a) of W. B. Land Holding Revenue Rules, 1980, envisages that 5% of the mouzas of a Police Station shall be selected at random for collection of basic sale notes from Registration offices. According to such provisions a uniform procedure should be followed for the purpose of random selection of 5% mouzas in a Police Station under each Regional Rating Board.

2. The Board of Revenue has considered the matter and has decided that the random sampling method of selection followed by the Agriculture Deptt. should be followed for this purpose also. A note on the procedure on the random selection of mouzas for the purpose of W. B. L. H. R. Rules, 1980 is sent herewith along with a booklet styled as "Random Numbers and Sample Survey in Agriculture.

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3. The Chairman of the Regional Rating Board is requested to kindly arrange for selection of mouzas accordingly and to intimate the Board of the completion of such selection. Further instructions in the matter will be issued after hearing from him.

4. In case of any difficulty, the Chairman may kindly refer the matter to the Board of Revenue.

Sd/-A. K. Chakraborti  
Special Officer & (ex-officio) Secretary,  
Board of Revenue, West Bengal.

Memo. No. 14873/1(42)-L. H. R.

Copy with a copy of the Note forwarded for information to :—

1. L. & Land Reforms Department.
  2. D. L. R. & S. & Prescribed Authority.
  3. Collector/Deputy Commissioner,.....
  4. A. D. M. ( LR ) / A. D. C. ( LR ),.....
  5. The Settlement Officer,.....
- [ 2. The collection of sale data on pilot basis and other ancilliary / work in this connection may please be taken up immediately in pursuance of L. & L. R. Deptt. memo No. 3236 (2)-L. Ref. dt. 4. 12. 81. ]  
for Collector of Burdwan/W. Dinajpur.

Sd/- A. K. Chakraborti  
Special Officer & (ex-officio) Secretary,  
Board of Revenue, West Bengal.

Government of West Bengal  
Office of the Board of Revenue, West Bengal  
Section—A II, C & S Branch

No. 9409(15)-C&S  
69/81

Dated, Calcutta, 10th August, 1981.

To : The Collector, / Deputy Commissioner,.....

Sub : Assessment and collection of cesses in the context of the  
West Bengal Land Holding Revenue Act, 1979.

A reference is invited to section 26(1)(d) of the West Bengal Land Holding Revenue Act, 1979 deleting Chapter-IV of the West Bengal Land Reforms Act regarding provisions as to revenue. In this context, a question

has been raised as to whether the cesses, viz., P. W. Cess, Road Cess and Education Cess shall remain to be assessed and realised from the 1st Baisakh, 1388 B. S. ( corresponding to 14-4-1981 ).

It may be noted that in terms of section 41(3) of the Cess Act, 1880, a raiyat is liable to pay cesses at the prescribed rate or rates upon the rent payable by him or upon the annual value ascertained under the provisions of section 24 or section 25 of the Cess Act for the land held by him. The Govt. Notification fixing the rates of cesses also envisages assessment of cesses on the annual value of land. This being the position cesses shall remain to be payable by raiyats from 1st of Baisakh, 1388 B. S. onwards at the rates notified or as may be notified, the land revenue of the holding payable as before being taken as annual value of land for the purpose of assessment of cesses.

All concerned may be instructed accordingly.

Sd/- A. K. Chakraborti  
Special Officer & (ex-officio) Secretary,  
Board of Revenue, West Bengal.

Memo No. 9409/1(30)-C & S.

Copy forwarded to :—

1. The Land and Land Reforms Department ;
2. The Commissioner,.....Division,.....;
3. The Director of Land Records & Surveys, West Bengal ;
4. The Additional District Magistrate (LR)/Additional Deputy Commissioner (LR),.....;
5. The Settlement Officer.....for information.

Calcutta,  
The 10th August, 1981.

Sd/- A. K. Chakraborti  
Special Officer & ( ex-officio ) Secretary,  
Board of Revenue, West Bengal.

Government of West Bengal  
Office of the Board of Revenue, West Bengal  
Section—C. I. Comp. Branch

No. 3305(17)-A. C.  
15/86

Dated, Cal. the 16th April, 1986.

To  
The Additional Collector (LR),  
.....

Sub : Procedure for payment of annuity to the lineal descendants  
of an annuitant.

In terms of Section 17(1) of the West Bengal Estates Acquisition Act, 1953 read with Section 17 (3) thereof, compensation payable to an intermediary referred to in clause (i) of sub-section (1) of Section 6 of the Act, shall be a perpetual annuity.

Under the existing procedure, in respect of such intermediaries, a Compensation Assessment Roll is prepared in the name of the Corporation, Institution or person whose name feature in the record-of-rights.

2. In the event of the death of an annuitant the lineal descendants of the annuitant are required to submit a properly stamped petition before the Collector for mutation as enjoined in Rule 51(11) of the West Bengal Estates Acquisition Rules, 1954. On the basis of such a mutation petition, mutation has to be recorded in the Annuity Payment Order. After mutation has been done in the manner indicated above, the amount of annuity is payable jointly to the lineal descendants, where the number of such descendants is more than one.

2. 1. With the passage of time, most of the original annuitants have passed away and the number of lineal descendants has multiplied. It has been found that in some cases, the lineal descendants cannot claim or receive the amount of annuity jointly for various reasons.

2. 2. The question of making proportionate payment of annuity severally to the lineal descendants in the circumstances detailed above, has been engaging the attention of the Board of Revenue for sometime past.

3. After careful consideration the Board has been pleased to decide, in consultation with the law officers of the Govt., that in the event of the death of an annuitant, if the lineal descendants specifically desire to receive the amount of annuity according to their respective share in the mutation petition, the Collector shall, after making such enquiries as may be required, in accordance with the procedure prescribed in rule 51(11) of the West Bengal Estates Acquisition Rules, 1954, issue as many number of Annuity Payment Orders as may be the number of lineal descendants, after making the requisite entries in the original case records as also in the original Annuity Payment Order. At the time of splitting up of the annuity originally payable, there may be cases where the amount cannot be exactly apportioned. In such an eventuality, the amount of annuity may be split up in accordance with express desire of the annuitants.

4. The above order will apply mutatis-mutandis to cases of perpetual annuity, where the number of annuitants is more than one in terms of the original C. A. Roll. In cases where only the names of annuitants have been recorded, the amount of annuity should be split up in terms of the C. A. Roll first and, thereafter the shares of individual lineal descendants determined in the manner prescribed above. Where, however, the share of each annuitant has been specifically mentioned in the C. A. Roll, the amount of annuity should first be split up according to the share indicated in the C. A. Roll and thereafter further division should take place according to the number of lineal descendants in the above manner.

5. This order shall not be applicable to cases where the amount of annuity is payable to a particular line of succession for person, according to the "Arpanama" or "Deed of Dedication" or "Deed of Endowment". In such cases, the provisions of the document creating the Trust or Endowment should be strictly followed.

Sd/- Secretary,  
Board of Revenue, West Bengal.

Memo No. 3305/1(15)-A. C.

Copy forwarded to the District Compensation Officer,.....for information and necessary action.

Dated, Calcutta,  
the 17th April, 1986.

Sd/- Secretary,  
Board of Revenue, West Bengal.

**GOVERNMENT OF WEST BENGAL**  
**Office of the Board of Revenue, West Bengal**  
Section—C. I. F. P. Branch

No. 8854-F. P.

Dated Cal. the 2. 8. 1985.

To  
The Addl. Deputy Commissioner, Purulia.

Sub : Payment of compensation to Ghatwal Shri Mahadeb Mahato in  
final case no. 1496/FC/Jhal/83-84.

Ref : His No. 515-Comp. dated 25-3-84 and No. 228/Comp.  
dated 7-2-85.

Ghatwals being service tenure holders are intermediaries in terms of Section 2(i) of the W. B. E. A. Act and as such entitled to compensation under the normal Rules i. e. under Section 23 of the W. B. E. A. Act as well as ad-interim compensation under Section 12(1) of the same Act.

This position has already been clarified under Board's Memo. No. 16375-E. A. dated 24-9-64. As ex-intermediary interest the Ghatwali tenures have vested in the State under the W. B. E. A. Act which has also been confirmed in Board's Memo. No. 13507-E. A. dated 29-6-66. It appears from the extract of final report of Survey and Settlement Operation of the district of Manbhum by Shri B. K. Gokhale, I. C. S., the Ghatwali tenures are not resumable and even if the Ghatwals are dismissed from the service their right in land remains. In view of this position the Ghatwali tenures should be deemed to be permanent tenures.

The entries 'অস্থায়ী' in the C. A. Roll is apparently wrong and the Settlement Department is being requested to correct the records.

Pending such correction payment may be made under Section 23 or under Section 12(1) as the case may be ignoring the entry in respect of all Ghatwal intermediaries.

Sd/- A. K. Chakraborti,  
Special Officer & ( ex-officio ) Secretary,  
Board of Revenue, West Bengal.

Memo No. 8854/1-F. P.

Copy together with a copy of Board's Memo No. 16375-E. A. dated 24-9-64 forwarded to the Settlement Officer, Purulia, for information and necessary action.

Calcutta,  
The 2nd August, 1985.

Sd/- A. K. Chakraborti,  
Special Officer & ( ex-officio ) Secretary,  
Board of Revenue, West Bengal.

Memo No. 8854/2-F. P.

Copy together with a copy of Board's Memo No. 16375-EA dated 24-9-64 forwarded to the Director of Land Records and Survey, West Bengal, for information and necessary action.

Calcutta,  
The 2nd August, 1985.

Sd/- A. K. Chakraborti,  
Special Officer & (ex-officio) Secretary,  
Board of Revenue, West Bengal.

Government of West Bengal  
Office of the Board of Revenue, West Bengal  
Section—CI, Misc. ( Comp Branch

No. 6750-Misc. ( Comp )

Calcutta, the 13th July. 1984.

To The Addl. Collector ( LR ),  
Compensation Department,  
Midnapore.

Sub : Submission of Succession Certificate for payment of Compensation involved in Sanja Annuity.

Ref : His memo No. 338/MC dt. 11-5-84.

Where Sanja Annuity is not drawn by the ex-intermediary over a number of years, the ex-intermediary himself can draw the entire accumulated amount irrespective of any financial limit at any point of time.

In the event of death of an Ex-Intermediary Rules embodied in Schedule A of the West Bengal Estates Acquisition Rules, 1954 are applicable mutatis-mutandis for payment of the accumulated amount to the legal heirs and consequently, where the accumulated amount exceeds the limit of Rs. 5,000/-, production of Succession Certificate under the Indian Succession Act, 1925 is mandatory.

Sd/- A. K. Chakraborti,  
Special Officer & (ex-officio) Secretary,  
Board of Revenue, West Bengal.

Memo. No. 6750/1(31)-Misc. (Comp).

Copy forwarded to the :

- 1) Addl. District Magistrate/Addl. Deputy Commissioner, .....
- 2) District Compensation Officer.....

for information and guidance.

Calcutta, the 13th July, 1984.

Sd/- A. K. Chakraborti,  
Special Officer & (ex-officio) Secretary,  
Board of Revenue, West Bengal.

Government of West Bengal  
**Office of the Board of Revenue, West Bengal**  
Section—C(I), Misc ( Comp )—Branch

Memo No. 2949-Misc ( Comp )  
20/83

Calcutta, the 30th March, 1984.

To  
The District Compensation Officer (F),  
24-Parganas.

Subject : Submission of succession certificate for payment  
of compensation involving Sanja annuity cases.

Ref : His Memo No. 2670 EADC dated 15.11.83.

For the purpose of payment of annuity there is provision for mutation of the name of the successor in the manner provided in the WBEA Rules, 1955 & Mutation usually takes effect from the date of death as there cannot be award of annuity in favour of a dead person. But so far as the annuity payable during the life time of the deceased ex-intermediary, it should be deemed to be the property of that person. Accordingly, if the accumulated amount of annuity for the period upto the death of the ex-intermediary along with the interest calculated thereon exceeds Rs. 5,000/- succession certificate will be necessary for payment of that money.

Board's Memo. No. 580-Misc (Comp) dt. 1.2.84, is modified to the extent indicated above.

Sd/-  
Assistant Secretary,  
Board of Revenue, West Bengal.

Memo. No. 2949/1(3) Misc. (Comp).

Copy with a copy of Board's Memo. No. 580 Misc (Comp) dated 1.2.84, forwarded to the :

- 1) Additional District Magistrate (LR),.....
- 2) District Compensation Officer,.....

for information and guidance.

Calcutta, the 30th March, 1984.

Sd/-  
Assistant Secretary,  
Board of Revenue, West Bengal.



**Government of West Bengal**  
**Office of the Board of Revenue, West Bengal**  
Section—C(I), Misc ( Comp )—Branch

Memo. No. 580-Misc (Comp)

Calcutta, the 20th January, 1984  
1st February, 1984.

To  
The District Compensation Officer (F),  
24-Parganas.

Sub : Submission of succession certificate for payment  
of compensation in Sanja Annuity Cases.

Ref : His No. 2621/EADC dated 8.11.83.

Succession Certificates will be necessary for receiving payment in Sanja annuity cases also, if the accumulated amount exceeds Rs. 5,000/-.

Sd/- R. Dasgupta,  
Assistant Secretary,  
Board of Revenue, West Bengal.

**GOVERNMENT OF WEST BENGAL**  
**Office of the Board of Revenue, West Bengal**  
Section—CI, Misc. ( Comp ) Branch

No. 547-Misc. ( Comp )

6/83

Dated, Calcutta, the 18th January, 1984.

To  
The Addl. District Magistrate (LR),  
Midnapore.

Sub : Clarification of the term 'Collector' occurring in connection with payment of annuities u/s 23 (3) of the W. B. E. A. Act, 1953 read with Rule 51 of the W. B. E. A. Rules, 1954.

Ref : His Memo. No. 267/MC dt. 18.4.83.

Under Land & Land Reforms Deptt's Notification No. 12749-L.Ref. dated 23.8.72, the powers of the State Govt. as envisaged in Section 23(3) of the W.B.E.A. Act, 1953 were delegated to the "Collector of the district".

Since the term "Collector of the district" has been used in the aforesaid notification, no other officer down the line can exercise this power even though the Additional District Magistrate & District Compensation Officers are "Collectors" as distinct from "Collector of the district" within the meaning of Section 2(d) thereof.

2. In view of this sanction of the "Collector of the district" shall have to be obtained and for payment of commuted value of rent-in-kind annuity.

3. Where payments were made under orders of D. C. Os./S. D. Cos. ex-post facto approval of the Collector of the District shall have to be obtained for regularisation.

It should be borne in mind that power to draw bills as envisaged in paragraph 4 of Schedule 'A' of the W. B. E. A. Rules, 1954 and power to sanction are two different matters and cannot, for obvious reasons be clubbed together.

Sd/- A. K. Chakraborti,  
Special Officer & (ex-officio) Secretary,  
Board of Revenue, West Bengal.

Memo. No. 547/1(14)-Misc. (Comp)

Copy forwarded to the :

- 1) Addl. District Magistrate (LR)/Addl. Deputy Commissioner (LR),.....  
for information and guidance.

Sd/- A. K. Chakraborti,  
Special Officer & (ex-officio) Secretary,  
Board of Revenue, West Bengal.

Calcutta, the 18th January, 1984.

GOVERNMENT OF WEST BENGAL  
Office of the Board of Revenue, West Bengal  
Section—CI, Branch—Bond

No. 18531-Bond  
27/80

Calcutta, the 30th December, 1980.

To  
The Addl. District Magistrate (LR),  
Bankura.

Sub : Delivery of W.B.E.A. Compensation Bonds.

Ref : His memo. no. 840/comp. dated 24.10.80.

Paragraph 5 of Schedule A of the W. B. E. A. Rules begins with the words "The amount of compensation payable in cash.....". Admittedly therefore this paragraph deals with payment of compensation in cash only. Amendment of the paragraph by the Land & Land Reforms Department under notification no. 780-L. Ref. dated

11th April, 1980 debarring the lawyers to receive payment obviously relates to payment of compensation in cash and has nothing to do with payment of compensation in Bond. As a matter of fact, delivery of Bond is regulated by Rule 42 of the W.B.E.A. Rules. This Rule has neither been challenged nor it infringes provisions of para 5 of Schedule A.

In the circumstances, there is no bar to making delivery of Bonds to the intermediaries or to his duly authorised agent. It may also be taken into account that in cases where Vakalatnama or other power-of-attorney was filed in cases of delivery of Bond, the intermediary may take delivery of Bond after cancelling the Vakalatnama or power-of-attorney in writing.

Sd/- A. K. Chakraborti,  
Special Officer & (ex-officio) Secretary,  
Board of Revenue, West Bengal.

Memo. No. 18531/1(29)—Bonds

Copy to :

- 1) Additional District Magistrate (LR)/Additional Deputy Commissioner (LR),.....
- 2) District Compensation Officer,.....  
for information and necessary compliance.

Sd/- A. K. Chakraborti,  
Special Officer & (ex-officio) Secretary,  
Board of Revenue, West Bengal.

Calcutta, the 30th Dec., 1980.

GOVERNMENT OF WEST BENGAL  
Office of the Board of Revenue, West Bengal  
Section—C(1), Misc. (comp) Branch

No. 16691(15)-Misc. (Comp.)  
43/80

Dated : Calcutta, the 21st November, 1980.

To :  
The Addl. District Magistrate (L.R./Comp.)/The Addl. Deputy Commissioner (L.R.),  
.....

In terms of sub-rule (3) of Rule 51 of the West Bengal Estate Acquisition Rules, 1954 corresponding to the three classes of Annuity Compensation cases, three kinds of Annuity payment orders e.g. Perpetual Annuity Payment Order, Terminable Annuity Payment Order and Rent-in-kind Annuity Payment Order shall be issued in Forms O( $\frac{3}{4}$ ), O( $\frac{2}{3}$ ) and O( $\frac{1}{2}$ ) respectively.

In terms of sub-rule (4) of Rule 51 of the West Bengal Estate Acquisition Rules, 1954 all Annuity Payment Orders shall be issued by the Collector of the District who shall indent the same from the Board of Revenue.

In terms of sub-rule (5) of Rule 51 of the West Bengal Estate Acquisition Rules, 1954 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 year for which they were disbursed ; the amount of the arrear Government dues under section 7 and/or attachment, if any, with the name of 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.

In terms of sub-rule (6) of Rule 51 of the West Bengal Estate Acquisition Rules, 1954 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 a registered or authenticated power of Attorney on proper identification.

These are the provisions in the West Bengal Estate Acquisition Rules, 1954 for payment of annuity. But from the records of the Board of Revenue it appears that only three districts viz. 24-Parganas/Birbhum/West Dinajpur have sent their indents for receiving the blank Annuity Payment Order forms from the Board of Revenue. Other districts must have also paid annuities to the annuitants but it is not understood what procedure they are following in respect of such payments. The position may be clarified.

All district authorities are hereby requested to follow strictly the provisions contained in Rule 51 of the West Bengal Estate Acquisition Rules, 1954 in respect of payment annuities and to send their indents to the Board for issuing the blank Annuity Payment Order forms for the purpose. On receiving the blank forms post cases dealt with otherwise should be processed in manner detailed above and a report of compliance sent to the Board in due course.

Sd/- A. K. Chakraborti,  
Special Officer & (ex-officio) Secretary,  
Board of Revenue, West Bengal.

**GOVERNMENT OF WEST BENGAL**  
**Office of the Board of Revenue, West Bengal**  
Section—C, Misc. (comp) Branch

No. 14615(13)-Misc. (Comp.)  
17/79

Dated : Calcutta, the 24th September, 1980.

To  
The Additional District Magistrate (Comp)/(LR),  
.....

Subject : Local payment of compensation money payable  
under the West Bengal Estates Acquisition Act.

The undersigned is directed to say that the question of simplification of the procedure of payment of compensation to the ex-intermediaries has been under consideration of Government for sometime past. It has been found that even after two decades a very large number of intermediaries is yet to receive payment in spite of notices of offer being issued to them. The bulk of these intermediaries belong to very small income group and according to the existing rules and procedure they are required to receive payment personally or through their authorised agent from the district headquarters or by money order. After careful consideration Government have

decided that for very small intermediaries whose total compensation does not exceed Rs. 500/-, the system of local payment should be introduced in all districts of West Bengal so as to give relief to such small intermediaries.

The procedure for payment of compensation has been laid down in Schedule 'A' to the E. A. Rules, and according to the provisions of the said rules the sub-divisional Compensation Officers are competent to draw bills for final compensation upto Rs. 2000/- in each case. The undersigned is, therefore, directed by order of the Governor to say that the Governor has been pleased to authorise the S.D.C.Os to make payment of compensation locally to the ex-intermediaries whose compensation (excluding interest) does not exceed Rs. 500/-. The Governor is further pleased to authorise the S.D.C.Os to draw up bill in the form of an advance for the amount to be disbursed (i.e., less the amount to be adjusted on account of ad-interim payment already made or arrear Government dues recoverable under Section 7 (1) of the E.A. Act) and disburse the amount locally to the ex-intermediaries. The advance may initially be drawn from the head 'Special Advance' subject to the adjustment to the payment of principal and interest charges to the respective heads of accounts. For this purpose the S.D.C.Os shall maintain a Bill Register showing the amount of each bill drawn by him as Special Advance for encashment and disbursement. He shall also maintain a Cash Book in terms S.R. 31 of the Treasury Rules, Volume I.

Acquittance of the payment to intermediaries may be taken separately in respect of the principal and amount of interest, there being separate heads of accounts for the principal and interest. This would also be convenient for the purpose of adjustment of the advance. The undisbursed amount should be refunded to the head from which it has been drawn. On receipt of the acquittance of the payment the Treasury Officer will make necessary adjustment and forward the same to the Accountant General, West Bengal. An attested copy of the acquittance should also be sent by the S. D. C. O. to the A. D. M. (LR) for preservation as an Appendix to Register 'GT'.

The S.D.C.Os shall prepare a list of intermediaries showing their father's/husband's name, address etc. and send the list through the J.L.R.O. to the Prodhyan of the Gram Panchayat requesting him to enquire locally whether the ex-intermediaries still reside there. On receipt of the result of the local enquiry from the Gram Panchayat the S.D.C.O. will fix a date, time and place of payment and notify the same to the Prodhyan of the Gram Panchayat at least 15 days before the date of fixed for local payment. The procedure indicated herein is not exhaustive and details may be worked out as may be found convenient and appropriate according to the local conditions. It may be stated here that the procedure for local payment as obtaining in the case of Land Acquisition payments may be followed as far as practicable.

The existing form of 'Offer Notice' as also the 'Verified Statement' will have to be modified suitably. Revised draft forms are enclosed herewith.

The work should start forthwith and a progress report may be sent to the Board by the middle of Nov. '80.

This order issues with the concurrence of the Finance Department vide their U/O No. Group E (109) dated 28.2.80.

Sd/- Deputy Secretary,  
Board of Revenue, West Bengal & (ex-officio)  
Deputy Secretary to the Govt. of West Bengal,  
Land and Land Reforms Department.

Memo No. 14615/1(38)-Misc. (Comp)

Copy forwarded to the :—

- 1) Panchayat Department.
- 2) Commissioner, Presidency Division, Calcutta.
- 3) Commissioner, Burdwan Division, Chinsurah.
- 4) Commissioner, Jalpaiguri Division, Jalpaiguri.
- 5) Treasury Officer, .....
- 6) District Compensation Officer, .....
- 7) Settlement Officer, .....
- 8) Director of Land Records & Surveys, West Bengal Survey Buildings.
- 9) Accountant General, West Bengal, Calcutta.

for information.

Calcutta, the 24th September, 1980.

Sd/- Officer on Special Duty,  
Board of Revenue, West Bengal.

Government of West Bengal  
Office of the Board of Revenue, West Bengal  
Section—'C(I)' 'F. P.'—Branch

No. 7909(15)-F P.  
111/80

Dated : Calcutta, the 29th May, 1980.

To  
The Addl. District Magistrate, (LR)/The Addl. Deputy Commissioner, (LR).

Subject : Payment of compensation to the wakf estates in respect of properties vested  
in the State Government under the West Bengal E.A. Act, 1953.

A large number of wakf estates have not been given the benefits of Section 6(1)(i) of the W. B. E. A. Act, 1953, in consequence whereof these estates have been treated as ordinary intermediaries for the purpose of assessment of compensation.

A question has been raised as to whether the Mutwalli of a Wakf Estate in such cases should be paid compensation, as may be determined in the concerned C. A. Roll like an ordinary intermediary. [ The Commissioner of Wakfs, West Bengal has made a reference on this issue ]

The Mutwalli of a wakf estate is not the owner but only manager of the wakf estate. He does not also have the right of alienation except in the manner specified in the Bengal Wakf Act, 1934.

In view of the position explained hereinbefore it has been decided that compensation money payable to the Mutwalli of an wakf estate shall be invested in income bearing interest, as enjoined in Section 24 of the W.B.E.A. Act, 1953 and the annual interest accruing from such investment shall be paid to the Mutwalli to meet the recurring expenses of the wakf estate.

This order does not apply to cases where the estates have been given the benefit of Sec. 6(1)(i) of the Act and where annuity, as distinct from compensation, is payable.

Past cases decided otherwise need not however be reopened save and except where balance whether in cash or in bond, is still due.

Sd/- A. K. Chakraborti,  
Special Officer & (ex-officio) Secretary,  
Board of Revenue, 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 II to discharge within their respective jurisdiction any of the functions of Collector under the said Act.

By order of the Governor  
J. L. Bandhu  
Dy. Secretary to the Government of  
West Bengal.

Government of West Bengal  
**Office of the Board of Revenue, West Bengal**  
Section A I Branch G. E.

No. 12022 (27)-G. E.  
3.0/85

Dated, Calcutta, the 28th November, 1985.

- To :
- (1) The Director of Land Records and Surveys, West Bengal.
  - (2) The Additional District Magistrate ( LR ) .....
  - (3) The Settlement Officer .....
  - (4) The District Land and Land Reforms Officer, Bankura.

Sub : West Bengal Acquisition of Homestead land for Agricultural Labourers, Artisans and Fishermen Act, 1975.

According to the provisions made under section 2(a) of the aforesaid Act, "artisan means a handicraftsman and includes Potter, Carpenter and Blacksmith".

A question has now arisen whether a 'tailor' or a 'goldsmith' should be taken as an 'artisan' under the Act.

The matter was referred to the Law Officers of the Land and Land Reforms Department of the Government who have opined that a 'tailor' or 'goldsmith' should be treated as an 'artisan' under the Act.

It is, therefore, enjoined that the benefit of the instant Act may be allowed to a 'tailor' or a 'goldsmith' provided he is found to be an 'occupier' under section 2(f) *ibid* and satisfied the other conditions laid down in the Act and Rules for the purpose.

Sd/- A. K. Chakraborti,  
Special Officer and Ex-officio Secretary  
Board of Revenue, West Bengal.

Memo No. 12022/1(3)-G. E.

Copy forwarded to The Commissioner.....Division.....

Calcutta,  
The 28th November, 1985.

Sd/- A. K. Chakraborti,  
Special Officer & Ex-Officio Secretary,  
Board of Revenue, West Bengal.

Memo No. 12022/2-G. E.

Copy forwarded to the Panchayat and Community Development Department for information with reference to that department memo no. 262-R.H. dated 3. 9. 85.

Calcutta,  
The 28th November, 1985.

Sd/- A. K. Chakraborti  
Special Officer & Ex-Officio Secretary  
Board of Revenue, West Bengal.

Government of West Bengal  
**Office of the Board of Revenue, West Bengal**  
Section—AI, Branch—G. E.

No. 5158(17)-GE  
357/78

Dated, Calcutta, the 13th June, 1983.

To  
The Additional District Magistrate (LR)/  
The Additional Deputy Commissioner (LR)

Sub : Implementation of the West Bengal Acquisition of Homestead  
Land for Agricultural Labourers, Artisans & Fishermen Act, 1975.

The undersigned is directed to refer to Board's memo no. 4842 (26)-GE dated 7th May, 1982 and to state that it has been found on review that though the work of delivery of documents of Title to the beneficiaries



has been taken up in all districts, there is an appreciable gap between the number of beneficiaries recorded by the Settlement Wing and that to whom Documents of Titles have been delivered by the L R. Wing. To facilitate the work at the field level the Board of Revenue had already devised a model order sheet and sent copies thereof under Board's Memo. under reference.

He is requested to advise Junior Land Reforms Officers to arrange for delivery of documents of Titles to the beneficiaries as soon after their particulars are received from the Settlement Wing as possible.

Sd/- A. K. Chakraborti,  
Special Officer & (ex-officio) Secretary  
Board of Revenue, West Bengal.

Memo No. 5158/1(4)-GE

Copy forwarded to the 1) Commissioner ..... Division .....  
2) Director of Land Records and Surveys, West Bengal for information.

Calcutta,  
The 13th June, 1983.

Sd/- A. K. Chakraborti  
Special Officer & ( ex officio ) Secretary,  
Board of Revenue, West Bengal.

Government of West Bengal  
Office of the Board of Revenue, West Bengal  
Section—A(1), G.E. Branch.

No. 2561 (26)-GE

Dated, Cal, the 21st March, 1984.

To

- 1) The Director of Land Records & Surveys, West Bengal.
- 2) The Additional District Magistrate (LR)/  
The Additional Deputy Commissioner ( LR ),  
.....
- 3) The Settlement Officer,.....

Sub : West Bengal Acquisition of Homestead Land for Agricultural Labourers, Artisans and Fisermen Rule, 1976.

The undersigned is directed to send herewith a copy of Notification No. 1690-CDP dated 2. 3. 76 of the Agricultural and Community Development Department containing the above mentioned Rules for information of guidance.

2. A copy of the Notification No. 455-RH dated 29. 9. 80 of the A & C. D. Deptt. appointing the Sub-divisional Land Reforms Officers, and Junior Land Reforms Officers, amongst others, to discharge within their

respective jurisdiction any of the function of a "Collector" under the West Bengal Acquisition of Homestead Land for Agricultural Labourers, Artisans and Fishermen Act, 1975 is also sent herewith for information and guidance.

3. It may kindly be ensured that copies of these two Notifications are endorsed to all (i) Sub-divisional Land Reforms Officers and Junior Land Reforms Officers of the district and (ii) S. R. O's. II and Kgos. under the Settlement Officer.

- a) 3(i) for Additional District Magistrate.
- b) 3(ii) for Settlement Officer.

Sd/- Officer on Special Duty &  
( ex-officio ) Assistant Secretary,  
Board of Revenue, West Bengal.

Memo No. 2561/1(3)—GE

Copy forwarded to :

- 1) Shri N. G. Sengupta, Assistant Secretary (LR), Board of Revenue, West Bengal.
- 2) Statistical Cell, Board of Revenue, West Bengal.
- 3) Section C(1), Board of Revenue, West Bengal.  
for information.

Sd/- Officer on Special Duty &  
( ex-officio ) Assistant Secretary,  
Board of Revenue, West Bengal

Dated, Calcutta, the 21st March, 1984

Government of West Bengal  
**Agriculture and Community Development Department**  
Community Development  
NOTIFICATION

Date Tuesday, March 2, 1976.

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 Gazettee, 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 Gazettee.
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 to which the Act extends and includes and Additional District Magistrate, and also any Subdivisional Officer, Special Land Acquisition Officer, Subdivisional 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.

2) All words and expressions, used herein and not defined, shall have the meaning respectively assigned to them under 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

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

a) by delivering or tendering a 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 advantages 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 require 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 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,

A. R. Bose,

Dy Secy. to the Govt. of West Bengal.

[ Published in the Calcutta Gazette ( Extra ordinary ) dated March 2, 1976 ].

Government of West Bengal  
**Panchayats & Community Development Department**  
 Community Development Branch, Raj Bhavan

No. 455-RH

Calcutta, the 29th September, 1980.

## NOTIFICATION

In exercise of the powers 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 Magistrate 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 within their respective jurisdiction any of the functions of a Collector under the said Act.

By order of the Governor,  
 J. K. Bandhu,  
 Deputy Secretary to the Govt. of W. B.

GOVERNMENT OF WEST BENGAL  
**Office of the Board of Revenue, West Bengal**  
 Section-A(I), G. E. Branch

No. 1819—C &amp; S

Calcutta, the 20th Feb., 1985.

To  
 The Director of Land Records & Surveys, West Bengal.

Subject : Operation Barga.

A reference is invited to Board's Memo. No. 6/1(19)-GE dt. 1.1.85 extending Operation Barga upto 30th June, 1985.

A review of recording of bargadars under Operation Barga shows that there was significant decline in the rate of recording last year. Evening meetings which are an important component of Operation Barga programme was not taken up in sizable numbers in the districts. Also, the rate of disposal of petitions for recording of bargadars has not been quite satisfactory. This has resulted in accumulation of large number of petitions in all the districts.

He is requested to instruct all the Settlement Officers to launch Operation Barga programmes with evening meetings in the pockets where there is still considerable number of unrecorded bargadars. The selection of pockets should be made in consultation with the A.D.Ms(LR) and Panchayatiraj Institutions.

The advantages of registration of names of bargadars in the revenue records should be clearly explained to them in the evening meetings. The benefits available in the schemes like providing institutional finance to pattadars and bargadars for improvement of cultivation including credit from bank and DRDA should be highlighted in the evening meetings so that the bargadars may come forward for recording their names.

The Settlement Officers should also be requested to gear up their administrative machinery for disposal of barga petitions within 15 days from the date of their receipt.

He is requested to issue detailed instructions to the Settlement Officers under intimation to the Board.

Sd/- A. K. Chakraborti,  
Special Officer & ( ex-officio ) Secretary,  
Board of Revenue, West Bengal.

Memo No. 1819/1(25)—C & S

Copy forwarded to :—

1. The Addl. District Magistrate/Addl. Deputy Commissioner (LR),.....
2. The Settlement Officer,.....  
for information and necessary action.

Calcutta,  
The 20th Feb., 1985.

Sd/- A. K. Chakraborti,  
Special Officer & ( ex-officio ) Secretary,  
Board of Revenue, West Bengal.

Government of West Bengal  
Office of the Board of Revenue, West Bengal  
Section—A I, G.E. Branch

No. 11790(26)-G.E.  
413/83

Dated, Calcutta, the 29th Dec., 1983.

To  
The Director of Land Records & Surveys, West Bengal.  
The Addl. Dist. Magistrate ( LR )/The Addl. Dy. Commissioner ( LR ).....  
The Settlement Officer,.....

Subject : Status of persons cultivating the lands of other persons on seasonal basis.

A question has been raised whether persons who cultivate the lands of other persons on a seasonal basis for a short period of the year on condition of delivering a share of the produce or otherwise, though such lands are cultivated by the landowners personally for the greater part of the year, are Bargadars under the Land Reforms Act.

The matter was referred to the Law Officer of the Department. Under the provisions of the Land Reforms Act the right of cultivation of a bargadar is a permanent and heritable right. The right of barga cultivation may be voluntarily abandoned or surrendered by the bargadar. But even in such a case the right of cultivation does not revert to the landowner. Such a right can be extinguished only on resumption of land under barga cultivation by the landowner under the due process of law. In case of seasonal cultivation the right of cultivation is never transferred to the person who cultivates the land on a seasonal basis as the landowner personally cultivates the

land for the greater part of the year. In view of the above position the person cultivating, on a seasonal basis, the land of another person which remains under the personal cultivation of the owner for the major part of the year is not a bargadar under the provisions of Land Reforms Act.

They should not be recorded as such under sections 50 and 51 of the Land Reforms Act. Similarly, the above legal position should be borne in mind by all concerned while administering the provisions of Chapter III of the Land Reforms Act.

This should be brought to the notice of all concerned.

Sd/- A. K. Chakraborti  
Special Officer & (ex-officio) Secretary,  
Board of Revenue, West Bengal.

Memo No. 11790/1(19)-GE

Copy to :

1. L. & Land Reforms Department.
2. The Commissioner.....Division .....
3. The Collector.....

Sd/- A. K. Chakraborti  
Special Officer & (ex-officio) Secretary,  
Board of Revenue, West Bengal.

Dated, Cal., the 29th Dec., 1983.

GOVERNMENT OF WEST BENGAL  
Office of the Board of Revenue, West Bengal  
Section—A. I. G. E. Branch

No. 106 (17)-G.E.  
153/82

Dated, Calcutta, the 4th Jan., 1983.

To  
The Addl. District Magistrate ( L. R. )/  
The Addl. Deputy Commissioner ( L. R. ).

Sub : Right of a bargadar to cultivate the land of a Pattaholder.  
Ref : A D.M.(LR), Hooghly Telegram No. 2944(LR) dt. 6.7.82.

A question has arisen as to whether a bargadar who was cultivating the land of a raiyat, will continue to be a bargadar under the Patta holder after the vesting of the said land and allotment thereof to such patta holder.

Provisions contained in Sub-sections (2) and (3) of Section 14S of the W.B.L.R. Act are relevant in this case. It will be clear from these provisions that a bargadar in respect of land vested would hold the said land as raiyat provided the land vested and under his barga possession together with other lands whether held by the bargadar as owner or cultivated as bargadar does not exceed 1.0 acre ( vide Board's No. 397-G.E. dated 12.1.81 ). When it does so exceed, his barga right over the excess land stands terminated automatically. Be it mentioned here that for such termination recourse need not be taken to Section 17 *ibid*.

In view of the above provisions, the bargadar becomes a raiyat in respect of land he is entitled to retain u/s. 14S(2). The excess land will stand vested free from the right of bargadar. If such land is allotted to any person, the patta holder is under no liability to share the produce with such bargadar, as the bargadar's right on such land stands terminated.

All concerned may please be appraised of the above position.

Sd/- A. K. Chakraborti  
Special Officer & (ex-officio) Secretary,  
Board of Revenue, West Bengal.

Memo No. 106/1(77)-G.E.

Copy forwarded to :—

1. The Commissioner,..... Division,..... ;
2. The Director of Land Records & Surveys, West Bengal ;
3. The District Magistrate / Deputy Commissioner ,..... ;
4. The Settlement Officer.....for information.
5. The Sub-divisional Land Reforms Officer.....  
for information.

Calcutta,  
The 4th Jan., 1983.

Sd/- A. K. Chakraborti  
Special Officer & ( ex-officio ) Secretary,  
Board of Revenue, West Bengal.

Government of West Bengal  
Office of the Board of Revenue, West Bengal  
Section—A. I. G. E. Branch

No. 11980(26)-G.E.  
26/5/82

Dated, Cal. the 25th Nov., 1982.

To  
D. L. R. & S. West Bengal.  
Addl. Dist. Magistrate (LR)/Addl. Deputy Commissioner (LR).....  
The Settlement Officer.....

Sub : Operation Barga.

The undersigned is directed to refer to Board's Memo. No. 4835(26)-G.E. dated 7.5.82 and to state that the Board of Revenue has made a review of the progress of recording to bargadars under "Operation Barga" since the last Workshop. It appears that a little over eighteen thousand ( 18,000 ) bargadars have been recorded during the period from July, 1982 to September, 1982. The progress is quite unsatisfactory.

2. Field work has already started and the harvesting season is going to commence very soon. It is, therefore, the most appropriate time for identification of bargadars and recording their names. An all-out effort should,



therefore, be made by the field functionaries to record as many bargadars as possible during the current field season under "Operation Barga" and in "Khanapuri-Bujharat".

3. There is still a considerable number of areas where many bargadars remain unrecorded, though "Operation Barga" was undertaken in those areas earlier. These priority pockets should be carefully identified and fresh "Operation Barga" undertaken in those areas according to the methodology already existing.

4. A large number of petitions from bargadars for recording their names is pending in almost all the districts. The D.L.R. & S. should fix up a programme so that the pending petitions are disposed of as quickly as possible. The Board of Revenue is taking appropriate steps for giving publicity to the programme of "Operation Barga". Arrangements are being made in consultation with the I. & C. A. Department for publishing notice in the local dailies asking the bargadars to file petitions before the Settlement Camps for recording their names. It should be ensured that such petitions are disposed of after due enquiry and observing process of law as soon after they are received as possible.

4.1. In terms of the second proviso to clause (1) of schedule A to the Land Reforms Rules, the name of a bargadar can be recorded at any stage prior to final publication. There is also the general Provision i.e. Section 51B of the L. R. Act for correction of records within one year from the date of certificate of final publication of records. The local officers of the Settlement Wing should, therefore, be advised to entertain petitions from bargadar filed during any stage of settlement proceedings or even within one year from the date of final publication. They should also be requested to dispose of these petitions as expeditiously as possible.

5. "Khanapuri-Bujharat" has already been taken up in a large number of mouzas. Attempt should be made to record all the bargadars of these mouzas during the Khanapuri-Bujharat work. Adequate local publicity should be arranged by the Settlement Wing so that the bargadars who intend to record their names can represent their cases before the recording authorities. The local Panchayatiraj institution and the peasants' organisations should be associated with the matter of publicity.

6. Government is anxious that the names of the bargadars who still remain unrecorded are brought to the settlement records. The field functionaries are, therefore, requested to take proper initiative for effective implementation of the programme of "Operation Barga" which forms an important component of the Land Reforms measures undertaken by Government.

Sd/- A. K. Chakraborti,  
Special Officer & (ex-officio) Secretary,  
Board of Revenue, West Bengal.

Memo. No. 11980/1(118)-G.E.

Copy forwarded to :

The Commissioner, .....

The District Magistrate/Deputy Commissioner, .....

The Sub-divisional Officer, .....

The Sub-divisional Land Reforms Officer, .....

for information.

Calcutta,  
The 25th Nov., 1982.

Sd/- A. K. Chakraborti,  
Special Officer & (ex-officio) Secretary,  
Board of Revenue, West Bengal.

Government of West Bengal  
Office of the Board of Revenue, West Bengal  
Section—A(I), G.E. Branch

No. 8855(17)-G E.

Calcutta, the 23rd Aug. 1982.

To  
The Addl. District Magistrate, (LR)/The Addl. Deputy Commissioner, (LR).....

Sub : Use of proper designation of the Officers dealing with matters concerning Bargadars

The undersigned is directed to quote below a portion of the judgement of the Calcutta High Court in Civil Rule No. 14866 (W) of 1975 ( Dol Gobinda Das—Vs.—State ) concerning correction of Record-of-Rights under section 50 of W.B.L.R. Act by the Junior Land Reforms Officer's. The Hon'ble Court set aside the order passed by the Junior Land Reforms Officer concerned.

“The Junior Land Reforms Officer has no jurisdiction whatsoever to pass any order recording or changing the entires in the Record-of-Rights under Section 50 of the West Bengal Land Reforms Act, 1955, it is only the Revenue Officer specially empowered by the State Government who can correct such Record-of-Rights. It has been pointed out by this Court in numerous decisions that without any notification u/s. 50 of the West Bengal Land Reforms Act, the Junior Land Reforms Officer has got no jurisdiction or authority to start any proceeding for the revision of the record of Barga tenancy. It is rather unfortunate that until now no action has been taken by the State Government to rectify the defects.”

It will be seen that merely on the technical ground the Govt. lost this case and has been losing cases like this. But this situation could be avoided, had the Junior Land Reforms Officers been aware of the Govt. notifications and they would have been a little more careful in using proper designation while disposing of the cases governed by Sec. 50 of the West Bengal Land Reforms Act, 1955, including those concerning mutation of Barga rights of cultivation.

However, in order that such things do not recur in future, attention of the Junior Land Reforms Officer's may be drawn to the notification No. 20478-L. Ref. dated 21.8.75 ( Printed on page 56 of the Booklet styled " Compendium of Instructions on Land Reforms Published in 1977 ) wherein all the Junior Land Reforms Officers have been appointed to act as Revenue Officers u/s. 50 of W.B.L.R. Act within their respective jurisdictions. They have by the same notification been specially empowered for the purposes of the said Section. So, if the Junior Land Reforms Officers, while disposing of the cases u/s. 50 of West Bengal Land Reforms Act use the designation as "Revenue Officer specially empowered u/s. 50 of the West Bengal Land Reforms Act" instead of "Junior Land Reforms Officer", the orders become legally valid. All concerned may be instructed properly so that such lapse does not occur in future and the aforesaid correct designation is used by means of designation stamps and seals which should be carefully made for this purpose.

In this connection reference may be made to Land & Land Reforms Department memo. no. 3047 (18)-L Ref. dated 17.8.78 ( Page 44 of Compendium of Instructions on Land Reforms Vol. II ) wherein the Junior Land Officer have been made alert in the matter of using proper designation in dealing with cases concerning bargadars.

It is hoped that during inspections this aspect should be given particular care.

Sd/- A. K. Chakraborti  
Special Officer & ( ex-officio ) Secretary,  
Board of Revenue, West Bengal.

Memo No. 8855/1(119)-G.E.

Copy forwarded to :—

1. The Land and Land Reforms Department,
2. The Commissioner..... Division .....
3. The District Magistrate/The Deputy Commissioner,.....
4. The Sub-divisional Officer, .....
5. The Sub-divisional Land Reforms Officer, .....  
for information.

Calcutta, the 23rd Aug, 1982.

Sd/- A. K. Chakraborti,  
Special Officer & (ex-officio) Secretary,  
Board of Revenue, West Bengal.

GOVERNMENT OF WEST BENGAL  
Office of the Board of Revenue, West Bengal  
Section—A.I, G.E. Branch

No. 14035(18)-G.E.  
481/81

Dated at Calcutta, the 30th November, 1981.

To :

The D. L. R. & S. West Bengal,  
The Addl. District Magistrate (L.R.)/The Addl. Deputy Commissioner (L.R.),  
.....

Sub : Issue of certificates to bargadars.

Ref : Board's memo No. 13692(19)-G.E. dated 26.7.78 and No. 882(42)-G.E. dated 28.1.80.

It was laid down inter alia in Board's memo. under reference that bargadars recorded either under Section 50(e) or Section 51 of W.B.L.R. Act should be issued a certificate in the form prescribed therein and subsequently prescribed in the W.B.L.R. Rules.

It appears that there is some confusion among the field functionaries in the matter. In order to remove all doubts, it is enjoined that the above two circulars were intended to cover, in addition to the persons recorded as bargadars under Operation Barga, such persons as were recorded as bargadars in any stage of Settlement Operations u/s. 51, but could not be provided with a parcha for delay due to completion of the preliminaries for attestation work. The W.B.L.R. Rules have also been amended accordingly.

Sd/- A. K. Chakraborti,  
Special Officer & (ex-officio) Secretary,  
Board of Revenue, West Bengal.

Memo. No. 14035/1(27)-G.E.

Copy forwarded to :

1. The Commissioner, ..... Division, .....
2. The District Magistrate/Deputy Commissioner, .....
3. The Settlement Officer, .....
4. Land & Land Reforms Deptt.,  
for information.

Calcutta, the 30th Nov., 1981.

Sd/- A. K. Chakrabarti,  
Special Officer & (ex-officio) Secretary,  
Board of Revenue, West Bengal.

GOVERNMENT OF WEST BENGAL  
Office of the Board of Revenue, West Bengal  
Section—AI, G. E. Branch

No. 6526(17)-G. E.

Dated Cal. the 10th June, 1981.

To

The Additional District Magistrate (LR)/The Additional Deputy Commissioner (LR), .....

A reference is invited to Board's Memo. No. 397-G.E. dt. 12.1.81 to the Director of Land Records and Surveys, West Bengal ( Copy being endorsed to Additional District Magistrates/Addl. Deputy Commissioners (LR) under Board's Memo. No. 397/1(150)-G. E. dated 12.1.81 ) in connection with the opening of khatians in favour of Bargadars who have become raiyats of the vested land u/s. 14S(3) of the West Bengal Land Reforms Act.

The Settlement wing is required to send the lists of vested lands to the Management Wing for arranging distribution u/s 49 of the West Bengal Land Reforms Act. Such list of vested land should also contain the pieces of land, if any, in respect of which some Bargadars have become raiyats u/s. 14S(3) ibid and in favour of whom khatians have been opened in accordance with the instructions contained in Board's abovementioned Memo. dated 12.1.81. In order to avoid distribution of such vested land, the Revenue Officer of the Settlement Wing, while sending such lists of vested lands, should also mention specifically the relevant particulars of the plots of vested land, if any, which are not available for distribution owing to the fact that some Bargadars have become raiyats u/s 14S(3) and khatians have also been opened in favour of them. The Junior Land Reforms Officers on receipt of such particulars should take a note of it and see that such lands in respect of which raiyati khatians u/s. 14S(3) have been opened, are not taken up for distribution.

2. The Director of Land Records & Surveys, West Bengal and the Settlement Officers are being informed.

Sd/- A. K. Chakrabarti,  
Special Officer & (ex-officio) Secretary,  
Board of Revenue, West Bengal

Memo. No. 6526/1(9)-G. E.

Copy forwarded for information to :

- 1) The Director of Land Records & Surveys, West Bengal with reference to his memo. no. 739/2040-2047/C/81 dated 13/20th April, 1981.
- 2) The Settlement Officer, .....

Calcutta, the 10th June, 1981

Sd/- A. K. Chakraborti,  
Special Officer & (ex-officio) Secretary,  
Board of Revenue, West Bengal.

Government of West Bengal  
**Office of the Board of Revenue, West Bengal**  
Section A-I GE Branch

No. 397-GE  
444/80

Calcutta, 12th January, 1981.

To

The Director of Land Records & Surveys, West Bengal.

Sub : Opening of khatians in favour of bargadars on land vested under the L.R. Act.

1. A reference is invited to sub-section (3) of Section 14S of the W.B.L.R. Act which envisages that a bargadar who is entitled to retain his cultivation in respect of vested land in terms of sub-section (2) ibid shall become a raiyat in respect of such land. Such a person is, therefore, entitled to a khatian.
2. The practice followed so far was that a list of such vested lands along with other vested lands was sent to the J.L.R.O. for distribution of such land u/s 49. The land was allotted to the bargadar if he was found otherwise suitable or to other persons according to the provisions of the above section. In view of the fact that such bargadars automatically become raiyats it has now been decided that they are entitled to khatians, which should be opened in their favour during the settlement operations. The Revenue Officer will, therefore, open khatians in appropriate cases immediately on disposal of the proceedings u/s 14T of the Act on 7A forms submitted by the raiyats or otherwise. The provisions contained in sub-section (2) of section 14S require that an enquiry should be made as to the total size of the land owned by the beneficiary and cultivated by him as bargadar before the benefit of sub-section (3) can be extended to him. [ It has been proposed to amend sub-section (2) of section 14S by substituting 1.00 hectare by 1.00 acre occurring in that sub-section. The related bill is now with the Select Committee ]. For the purpose of the enquiry the Revenue Officer will consult records available with him and also obtain a declaration from the beneficiary bargadar to the effect that the aggregate of the land owned by him as a raiyat, the lands cultivated by him as a bargadar and the lands in respect of which a khatian is proposed to be opened in his favour does not exceed one acre. He will give an undertaking that if it is found subsequently that the aggregate of such lands was more than one acre on or after commencement of Chapter IIB, the khatian opened in his favour would be liable to be cancelled.
3. Past cases where schedules of vested land cultivated by a bargadar was sent to the J.L.R.O. for distribution need not be re-opened.

Sd/- A. K. Chakraborti,  
Special Officer & (ex-officio) Secretary,  
Board of Revenue, West Bengal.

Memo No. 397/1(150)-G.E.

Copy forwarded to :—

- 1) The Settlement Officer.....
- 2) The A. D. M. ( LR ) / A. D. C. ( LR ),.....
- 3) The Charge Officer.....
- 4) The Sub-Divisional Officer.....
- 5) The Sub-Divisional Land Reforms Officer.....

Sd/- A. K. Chakraborti,  
Special Officer & (ex-officio) Secretary,  
Board of Revenue, West Bengal.

Calcutta, the 12 Jan., 1981.

Memo No. 397/2(2)-G.E.

Copy forwarded to :—

- 1) Joint Secretary (Law)
- 2) Civil Rule (Cell)

Sd/- A. K. Chakraborti,  
Special Officer & (ex-officio) Secretary,  
Board of Revenue, West Bengal.

Calcutta, 12.1.1981.

GOVERNMENT OF WEST BENGAL  
Office of the Board of Revenue, West Bengal  
Section—A, G.E. Branch

No. 8226-(25)-G. E.

Calcutta, the 3rd September, 1986.

To

1. The Director of Land Records &  
Surveys, West Bengal.
2. District Magistrate.....
3. The Settlement Officer,  
.....R.S.O.

The undersigned is directed to say that the Govt. had been considering the question of laying down a policy regarding survey and settlement and distribution of char lands that have already appeared or may appear in future. After careful consideration of the matter the following decisions have been taken :

1) Any land gained by gradual accesion to a holding from the recess of a river should be treated as vested in the State Government irrespective of the Settlement records in respect of the said lands. In this connection the legal position regarding the land that suffers the processes of alluvion and diluvion of a river should be kept

in mind. As per Section-11 of the West Bengal L. R. Act the right, title and interest of the raiyat shall subsist in a holding or portion thereof which is lost by diluvion during the period of loss, not exceeding 20 years and the raiyat shall on its reappearance, at any time within that the period, hold the possession thereof. As per Section -12 of the West Bengal L. R. Act any land gained by the gradual access to a holding whether from the recess of a river or of the sea shall vest in the State Government and the raiyat who owns the holding shall not be entitled to retain such land as accretion thereto. Whether any land gained by the process of accession to a holding, should belong to a raiyat or to the Government is a question of fact which should be determined after a close scrutiny.

2) After a new survey, to be conducted by the Directorate of Land Records & Surveys, West Bengal, and proper plotting, the question of distribution of such lands should be decided according to the formula given below :—

- a) 60% of the lands are to be distributed amongst the eligible persons on whose side the lands have appeared ;
- b) 40% of the lands should be distributed amongst the eligible persons of the other side ;
- c) This will be irrespective of the district boundary ;
- d) The word 'locality' in section 49 of W. B. L. R. Act should be treated to include areas which are within a radius of 5 kilometer from which there is easier access to the land ;
- e) As regards preparation of records of alluvion lands, the concerned Settlement Officer must first inform the D. L. R. & S., West Bengal prior to the beginning of the Operation.

The above principles may please be strictly followed in the matter of Survey & Settlement and distribution of char lands.

Sd/- Secretary,  
Board of Revenue, West Bengal.

Memo No. 8226/1(21)-G. E

Copy forwarded to the :—

- 1) Commissioner,..... Divn.....
- 2) Addl. District Magistrate ( LR ),.....
- 3) Land & Land Reforms Department. for information.

Calcutta,  
the 3rd September, 1986.

Sd/- Secretary,  
Board of Revenue, West Bengal.

Government of West Bengal  
**Office of the Board of Revenue, West Bengal**  
Section—A(I), G. E.—Branch

No. 4312(16)-G.E.  
110/86

Calcutta, The 27th May, 1986.

To

The District Magistrate,.....

Subject : Disposal of cases relating to amendment of Pattas under section 49(2) of L. R. Act.

The undersigned is directed to say that it has come to the notice of the Board that large number of cases under section 49(2) of L. R. Act has been pending before the respective Sub-Divisional Officer/Additional

Sub-Divisional Officers for disposal. Unless and until such cases are disposed of i e. Pattas in respect of irregular distribution are annulled, the lands cannot be re-distributed to the deserving allottees.

He is, therefore, requested kindly to instruct all the S. D. Os / Addl. S. D. Os under him to dispose of the cases as early as possible.

In this connection his particular attention may be drawn to paragraphs 5.1 and 5.2 of Board's instructions contained in Memo No. 1403 (15)-G. E. dated 03-02-78 ( Page 27 of the Compendium of Instructions on Land Reforms Vol. II ) and paragraph 3 of Board's Memo. No. 7999(19)-G.E. dated 27/06/79 ( Page—24 of the said compendium ). It will be clear from those instructions that cases of annulment will be processed by the respective J. L. R. Os. in consultation with the Bhumi Sanskar Sthayee Samitis and send the cases to S. D. Os./Addl. S. D. Os. through the S. L. R. Os. If this procedure is followed S. D. Os./Addl. S. D. Os. may not find it difficult to dispose of these cases, as the statutory requirements of Sections 49(2) of L. R. Act read with Rule 20B of L. R. Rules will be met by J. L. R. Os./ S. L. R. Os. S. D. Os./Addl. S. D. Os. may please be instructed to dispose of such cases as quickly as possible.

In so far as the cases that might have been started on submission of petitions before the S. D. Os./ Addl. S. D. Os., such cases may be sorted out immediately and S. L. R. Os. may be entrusted with the task of causing enquiry and giving hearing to the parties and submission of their recommendations to the S. D. O./Addl. S. D. O. concerned. The decisions in such may be taken by S. D. Os./Addl. S. D. Os. without much loss of time.

A report as to the number of such cases pending in his district upto 1st May, 1986 may please be sent to the Board by 30th June, 1986 positively.

Sd/- Illegible,  
Special Officer & (ex-officio) Secretary,  
Board of Revenue, West Bengal.

Memo. No. 4312/1(70)-G. E.

Copy forwarded to :—

- 1) The Addl. District Magistrate ( L. R. ),.....
  - 2) The Sub-Divisional Officer/The Addl. Sub-Divisional Officer,.....
- for information and necessary action.

Sd/- Illegible,  
Special Officer & (ex-officio) Secretary,  
Board of Revenue, West Bengal.

Calcutta, The 27th May, 1986.



**GOVERNMENT OF WEST BENGAL**  
**Office of the Board of Revenue, West Bengal**  
Section—A-I, G E Branch

2080 (15)-G. E.

83/85

Dated : Calcutta, the 27th February, 1985.

Collector/Deputy Commissioner, .....

Sub : Distribution of vested agricultural land.

Distribution of vested agricultural lands u/s. 49(1) of the West Bengal Land Reforms Act, 1955 has been recently reviewed by the Board of Revenue. It was found that a total of only 14,285.73 acres of land have been distributed in the whole State between the period 1. 4. 84 to 31. 12. 84. Two statements showing the district-wise breakup of the following are enclosed.

- i) areas of agricultural land vested upto 31. 12. 84 &
- ii) areas distributed upto 31. 3. 84, between 1. 4. 84 and 31. 12. 84 and the areas available for distribution as on 1. 1. 85.

Government attaches the highest priority to the programme of distribution of ceiling surplus land which forms an important component of Land Reforms package undertaken by Government. It is, therefore, necessary that all possible efforts are taken at all levels to complete distribution of available vested lands.

Pre-distribution survey should be completed in the districts in a fortnight's time with a drive for the mouzas to be identified where distribution is pending or has not yet been taken up. In such identified mouzas where distribution is visibly poor and slack, the A. D. M. (LR) and S D. O. will personally establish contact with the Panchayat Samity concerned and keenly supervise the work of the J. L. R. Os. Field functionaries are advised to maintain constant liaison with the Unnayan Parikalpana-O-Bhumi Sanskar Sthayee Samity so that meetings of the said Samity may be held as frequently as possible so as to enable them to make recommendations in connection with pending work of distribution of land.

The District Magistrate/Collector is requested to make a special attempt to examine the issues concerning the land available for distribution in his district so that a timebound programme may be chalked out to complete distribution of such land in his jurisdiction.

Action taken in the matter may kindly be reported to the Board of Revenue.

Sd/- A. K. Chakraborti  
Special Officer & (ex-officio) Secretary,  
Board of Revenue, West Bengal.

Memo. No. 2080/1(19)-G. E

- Copy to :
1. The Commissioner ..... Division, .....
  2. The A. D. M (LR)/A. D. C. (LR), .....
  3. D. L. R. & S., West Bengal, for information.

Dated, Calcutta,  
the 27th February, 1985.

Sd/- A. K. Chakraborti,  
Special Officer & (ex-officio) Secretary,  
Board of Revenue, West Bengal.

Government of West Bengal  
Office of the Board of Revenue, West Bengal

Section—'A(I)' 'G. E.'—Branch

No 6715(17)-G.E  
211/83

Dated : Calcutta, the 13th July, 1984.

To

The Additional District Magistrate (LR)/The Addl. Deputy Commissioner (LR),.....

Sub : Pre-distribution Survey of vested lands.

The undersigned is directed to say that instructions have been issued by the Board times without number that pre-distribution survey in respect of each plot of vested lands should be conducted thoroughly before taking up distribution. Detailed procedure of pre-distribution survey has been laid down in the booklet entitled "General Instructions on Land Reforms" published by the Board of Revenue in 1979, on page-7 thereof. Bengali version of the same has also been included in the said booklet on page-41. There should therefore, be no difficulty on the part of the field functionaries in the matter.

In the circumstances it is once again impressed upon the field functionaries that henceforth proper and thorough pre-distribution survey must be conducted in respect of each plot of land before initiating settlement proceedings

All concerned may please be instructed accordingly.

Sd/- A. K. Chakraborti,  
Special Officer & (ex-officio) secretary,  
Board of Revenue, West Bengal.

বিনয় কৃষ্ণ চৌধুরী

মন্ত্রী

ভূমি ও ভূমি সংস্কার বিভাগ  
পশ্চিমবঙ্গ, মহাকরণ, কলিকাতা-১

তারিখ : ২১শে ডিসেম্বর, ১৯৮২

ডি, ও, নং ১২৭৮৫ (১৪) জি, ই,

প্রিয় সভাধিপতি,

জমিদারী অধিগ্রহণ এবং ভূমিসংস্কার আইনে ন্যস্ত জমির সূচী ও দ্রুত বণ্টনের বিষয়ে আমি পূর্বে কয়েকবার আপনাদের দৃষ্টি আকর্ষণ করেছি এবং আপনাদের অনেকের সাথে ব্যক্তিগতভাবে আলোচনাও করেছি।

আমাদের একটি সাম্প্রতিক পর্যালোচনা থেকে দেখা যাচ্ছে যে, জমি বণ্টনের কাজটি মোটেই ইক্ষিত গতিতে অগ্রসর হচ্ছে না। তিন লক্ষাধিক একর কৃষি জমি আমরা এখনও বণ্টন করতে পারিনি; অথচ লক্ষ লক্ষ ভূমিহীন কৃষিজীব ফকটুকরো চাষের জমির প্রতীক্ষায় আছেন। তাদের এই প্রতীক্ষার আশু শেষ হওয়া দরকার।

আপনি জ্ঞাত আছেন যে পঞ্চায়ত সমিতির উন্নয়ন পরিকল্পনা ভূমিসংস্কার স্থায়ী সমিতি জমি বণ্টনের ব্যাপারে উপযুক্ত প্রার্থীদের নাম সুপারিশ করে থাকেন। সকল জেলাতেই ন্যস্ত জমির পূর্ণ বিবরণ পঞ্চায়ত সমিতিগুলিকে পাঠানো হয়েছে। এখন দরকার হলো প্রয়োজনীয় তদন্তের পর উপযুক্ত ক্ষেত্রে সুপারিশ করা। এই কাজ অত্যন্ত জরুরী ভিত্তিতে সম্পন্ন করা একান্তভাবেই দরকার, এই কাজে স্থায়ী সমিতিগুলির যে সমস্ত তথ্য দরকার সেই সকল তথ্য তাড়াতাড়ি সরবরাহ করার জন্য আমি জেলার সংশ্লিষ্ট আধিকারিকদের নির্দেশ পাঠিয়েছি। অন্যান্য সর্বরকম সহযোগিতা যাতে তাঁরা পান তার জন্যও প্রশাসনিক নির্দেশ পাঠানো হয়েছে। বকেয়া জমির বণ্টন কাজের সাফল্য নির্ভর করবে সংশ্লিষ্ট স্থায়ী সমিতিগুলি এবং সরকারের স্থানীয় আধিকারিকেরা কতটা তৎপরতার সঙ্গে কাজটি সম্পন্ন করতে পারেন।

আমি ভরসা করি, আপনারা এই মহৎ উদ্যোগে সর্বশক্তি নিয়োগ করবেন এবং সংশ্লিষ্ট সকলকে উৎসাহিত করবেন যাতে সমস্ত উৎস কৃষিজমি এই বাংলা সনের মধ্যেই বিলি করা সম্ভব হয়।

ভবদীয়—

সিহ : বিনয় কৃষ্ণ চৌধুরী  
মন্ত্রী, ভূমি ও ভূমি সংস্কার বিভাগ

**GOVERNMENT OF WEST BENGAL**  
**Office of the Board of Revenue, West Bengal**  
Section—A-I, G. E. Branch

No. 11476 (32)-GE

Dated, Cal. the 8th Nov., 1982.

To

- 1) The Collector/Deputy Commissioner.....
- 2) The Addl. District Magistrate (LR)/  
The Addl. Dy. Commissioner (LR).....

Sub : Distribution of vested agricultural land.

1. A reference is invited to Board's Memo No. 4836 (32)-G. E. dated 7-5-82 wherein it was envisaged that distribution programme should be taken up in right earnest in all the districts so that agricultural land free for distribution could be settled by the end of August, 1982.

2. The Board of Revenue has since made a review of the progress of distribution work made so far. It appears that in course of the period from May, 1982 to August, 1982 about 10,000.00 acres of land have been distributed. The progress is thus far from satisfactory.

3.1. Government has noted with concern that a sizable quantity of land vested under the provisions of the Estates Acquisition Act is still pending for distribution. Government is anxious that vested agricultural lands which are still available for distribution are settled with the eligible beneficiaries by the end of the current Bengali year, that is to say, Mid-April, 1983. Therefore, the present rate of distribution in all the districts will have to be significantly accelerated to complete the job within the stipulated date.

3.2. To achieve the above objective, the following action programme should be taken in all the districts immediately :—

- i) The Addl. Dist. Magistrates should make an assessment of the progress of distribution work in all circles.
- ii) Difficulties standing in the way of smooth distribution in each circle should be identified.
- iii) Immediate steps should be taken to remove the difficulties.
- iv) Addl. Dist. Magistrates, Sub-divisional Officers, Sub-divisional Land Reforms Officers should frequently get in touch with the Panchayatiraj Institutions specially the Block Level Land Reforms Advisory Committees and impress upon them the need for distribution of the available surplus land by the stipulated date.
- v) Difficulties, if any, faced by the above recommendatory body in obtaining information from the JLROs relating to distribution work should be quickly attended to.

4.1. It should also be ensured that settlement proceedings are started by the JLROs as soon after receipt of the recommendations from the Block Level Land Reforms Advisory Committee as possible. The settlement proceedings should be forwarded to the Sub-divisional Officer through the Sub-divisional Land Reforms Officers for approval immediately on completion of the proceedings. The time-gap between the initiation of settlement

proposals at the level of the JLRO and approval of the same by the Sub-divisional Officer should not be more than one month.

4.2. Pattas should be delivered to the allottees immediately on approval of the settlement proposals by the Sub-divisional Officer by opening camps if necessary according to the earlier instructions of the Board.

5.1. Distribution of surplus agricultural land constitutes the main component of Land Reforms package undertaken by Government. It is against this background that the programme of distribution of land should be executed by all the field functionaries.

6.1. A report as to the action taken may be sent to the Board of Revenue by the 30th November, 1982.

Sd/- A. K. Chakraborti,  
Special Officer & (ex-officio) Secretary,  
Board of Revenue, West Bengal.

Memo No. 11476/1(105)-G. E.

Copy forwarded to :—

1. The Commissioner,.....Division.....
2. The Director of Land Records & Surveys, West Bengal.
3. The Sub-divisional Officer,.....
4. The Sub-divisional Land Reforms Officer,.....
5. Land & Land Reforms Department.
6. Statistical Cell, Board of Revenue, West Bengal.  
for information.

Dated, Calcutta,  
the 8th Nov. 1982.

Sd/- A. K. Chakraborti,  
Special Officer & (ex-officio) Secretary,  
Board of Revenue, West Bengal.

GOVERNMENT OF WEST BENGAL  
Office of the Board of Revenue, West Bengal  
Section—A I, G. E. Branch

No. 7488(17)-GE  
36/81 (Pt. I)

Dated, Calcutta the 16th July, 1982.

To : The Addl. District Magistrate, (LR) / Addl. Deputy Commissioner. (LR).....

It has come to the notice of the Board that distribution of agricultural land lying within urban agglomerations as defined in the Urban Land ( Ceiling and Regulation ) Act, 1976 has been suspended in some districts in terms of Board's Memo. No. 5163-(17)-GE, dt. 5-5-81.

It is clarified that the expression "Urban agglomerations" appearing in the above instructions was meant to include areas where urbanisation has taken place and not the areas falling within "urban agglomerations" as defined in the U. L. ( C & R ) Act. The intention was to regulate the distribution of agricultural lands which are situated within the municipal areas, notified authority areas and fringes thereof.

In view of the above position the words "or urban agglomerations" should be deemed to have been deleted from the first paragraph of Board's Memo. No. 5163 (17)-GE., dated 5-5-81.

All concerned may be informed accordingly.

Sd/- A. K. Chakraborti,  
Special Officer & (ex-officio) Secretary,  
Board of Revenue, West Bengal.

Memo No. 7488/1(128)-GE

Copy forwarded for information to :—

- 1) The L. & L. R. Deptt., Govt. of West Bengal ;
- 2) The D. L. R. S., West Bengal ;
- 3) The Commissioner,.....Division,.....
- 4) The Dist. Magistrate (LR)/Addl. Dy. Commissioner (LR).....
- 5) The Settlement Officer,..... ;
- 6) The Sub-divisional Officer,..... ;
- 7) The Sub-divisional Land Reforms Officer,..... ;

[Sufficient spare copies enclosed for distribution among the J. L. R. O. S ]

Calcutta,  
16-7-82.

Sd/- A. K. Chakraborti,  
Special Officer & (ex-officio) Secretary,  
Board of Revenue. West Bengal.

GOVERNMENT OF WEST BENGAL  
Office of the Board of Revenue, West Bengal  
Section—A, GE—Branch

No. 5163(17)-G.E.

Dated, Cal. the 5th May, 1981.

To

The Addl. District Magistrate (LR)/  
The Addl. Deputy Commissioner (LR),

Sub : Distribution of vested agricultural lands lying within the Municipal areas fringes thereof or urban agglomerations.

The question as to how the vested agricultural lands lying within the Municipal areas or fringes thereof or Urban agglomerations or urbanised notified areas should be treated for the purpose of Section 49 of the West Bengal Land Reforms Act, has been engaging the attention of the Board for some time past.

2. After considering the various aspects of the matter it has been decided that such lands should not ordinarily be offered for distribution among individual persons ; but should be offered to the concerned Municipality, Development Authority or Town Committee or any other Statutory Civic Authority for various development work and/or for rehabilitation of the persons affected by Land Acquisition proceedings. Such settlement of land with the municipalities and other public bodies as mentioned above should be made in terms of Sub-section (5) of Section 49 of the West Bengal Land Reforms Act ( inserted under notification No. 3573-L. dt. the 29th September, 1980 ) with prior approval of the Board of Revenue and on such terms and conditions as may be fixed.

3. The cases of settlement with the individual persons affected by Land Acquisition proceedings, should also be treated as public purpose within the meaning of Section 49(5) ibid read with rule 166 of the Land Management Manual, since such lands will be utilised by the settlees for non-agricultural purposes. Prior approval of the Board should be obtained for settlement in such cases.

Sd/- Illegible.  
Secretary,  
Board of Revenue, West Bengal.

GOVERNMENT OF WEST BENGAL  
Office of the Board of Revenue, West Bengal  
Section A (I), G. E. Branch

No. 13846(17)-G. E.  
251/81

Dated : Calcutta, 26th November, 1981.

To : The Additional District Magistrate (LR)/  
The Additional Deputy Commissioner, (LR)  
.....

Subject : Distribution of vested land.

A reference is invited to Board's Memoranda No. 6225(18)-G. E., dated 26-5-79 & No. 1403(15)-G.E., dated 3-2-78 read with No. 1858(15)-G. E., dated 17-2-79/21-3-79 wherein it has been envisaged that one of the conditions for distribution of vested land would be that a person, whether a Bargadar or a raiyat, owning one acre or more of agricultural land, shall not be eligible for any further land. Subsequently, with the enforcement of amendment of Section 49(1) of the W.B.L.R. Act under the W.B L.R. (Amendment) Act, 1950, vide Legislative Deptt.(s) Notification No. 3573-L. dated 29-9-80, (published in Calcutta Gazette extraordinary, dated 29-9-80), the provisions have been made that a peron, whether a bargadar or raiyat, owning 0.4047 hectre ( i. e. one acre ) or more of land, shall not be entitled for settlement of such land. Such revision obviously was effective on and from 29-9-80.

2. Now, it has come to the notice of the Board that in many cases such settlement of land was made recommended to be made or ordered to be made to persons to the extent of one hectare or less interms of the law then inforce prior to the issuance of the Board's aforesaid Memoranda and/or of the aforesaid amēndment but the allottees/pattas and/or possession thereof for some unavoidable reasons concerned could not be given.

A question has now arisen whether the pattas and/or possession should now be given to the allottees concerned in such cases where settlement of more than one acre of land was made recommended/ordered.

3. The matter has been duly considered and it has been decided in consultation with the law officers of the Govt. attach in the cases, where the proceedings for settlement of more than one acre of lands to an individual were started and decided in favour of the individual prior to 29-9-80, pattas and/or possession should be given to the allottee.

All concerned may be instructed accordingly.

Sd/- A. K. Chakrabarti,  
Special Officer & ( ex-officio ) Secretary,  
Board of Revenue, West Bengal

Memo No. 13846/1(77)-GE

Copy forwarded for information to :

1. The Commissioner,..... Division,.....
2. The Director, L. R. & S., West Bengal ;
3. The Collector/Deputy Commissioner,.....
4. The Settlement Officer, .....
5. The Sub-divisional Officer,.....

Calcutta,  
The 26th November, 1981.

Sd/- Assistant Secretary,  
Board of Revenue, West Bengal.

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

Memo No. 63 (28)-L. Ref.

Calcutta, the 21st January, 1985.

To : The Collector.....  
The Settlement Officer.....  
The Director of Land Records and Surveys, West Bengal.  
35, Gopal Nagar Road, Alipore.  
The Commissioner of.....  
The Board of Revenue, West Bengal.

Sub : Correction of record-of-rights prepared under the provisions of West Bengal Estates Acquisition Act. in cases where decrees from Civil Courts are obtained by landowners for declaration of title.

Ref : This Deptt. Endt. No. 993/1(29)-L, Ref. dated 5. 3. 79 and No. 3190/1(23)-L. Ref. dated 23. 11. 81.

A proposal for modification of the orders issued in the abovementioned letter had been under the consideration of the Government for sometime past. In consideration of the difficulties experienced by the Settlement

Officers in implementing the orders of different Courts it has been decided that the instructions on the subject be modified to the extent indicated in the following paragraphs.

2. In respect of suits in which the Government was not a party, the instructions for ignoring the decrees may continue for the present, until there is any specific direction by any Court to correct the record-of-rights on the basis of the decree. Similar will be the position in respect of those suits in which Government was only a proforma defendant and no relief was sought against Government. It may, however, be noted that the decision about implementing the orders of Courts in such cases should be taken by the Settlement Officer only.

3. Decrees, in respect of which the State Government was impleaded as a principal defendant, are undoubtedly binding upon the Government. In some of these decrees there may be directions in the form of injunction or otherwise upon the Government to correct the record-of-rights. Execution of the decree in such a case may not be insisted upon. Correction of records may be made on the basis of the decree.

4. (i) In some decrees, though the Government was a principal defendant, there was no direction for correction of record-of-rights. In such cases no obligation seems to arise from the judgements themselves to correct the record-of-rights. If any application is made by the party to give effect to the decree, in a case like this, he may be referred to the next settlement operation pointing out the provisions of the Act in this respect. If, however, there is any order of the High Court or any superior court to give effect to the decree in question by necessary correction in the record-of-rights, the same should be complied with.

4. (ii) The period of limitation for correction of record-of-rights on the basis of application by a party is nine months which remains the same. The period of limitation for correction by such moto proceedings is being extended from time to time and such suo motu proceedings are still permissible. In view of this position the decrees in which there is no direction upon the Government for correction of record-of-rights may be classified into two groups. Some of these judgements may reveal that there was admitted/undisputed mistake on the part of the Government machinery in the preparation of record-of-rights, which has only been rectified or declared wrong by the deeree. If these judgements reflect the true state of affairs, correction may be made by suo motu proceedings taking notice of the judgement as a source of information, independently of whether the State was made a party in the case or not. But some other judgements may show that the record-of-rights as prepared by the Government machinery was correct, but the party somehow obtained the judgements, which the Government could not content in time or was not properly represented. In respect of these judgements there cannot be correction at this stage on the application of the party and question of suo motu proceedings for correction will not arise unless there is a specific direction to that effect from the Court.

5. In this connection, it is pointed out that before compliance of the decree or order of the Court for correction of record-of-rights each individual case should be thoroughly scrutinised. In these cases where interest of the Government will be found to have the higher court for redress instead of giving effect to the same straight-way. Where the Government is a principal defendant, the orders may be implemented after exhausting all legal remedies. Decision in this behalf should also be taken by the Settlement Officer only.

6. Except in cases where the Settlement Officers themselves are required to take decisions as mentioned above, implementation will be done after obtaining the decision of the Charge Officer.

Sd/- Illegible.

Deputy Secretary to the  
Government of West Bengal.



TO BE SUBSTITUTED FOR THE BOARD'S ORDER BEARING THE SAME NO. & DATE

GOVERNMENT OF WEST BENGAL  
Office of the Board of Revenue, West Bengal  
S & S—Branch

Memo. No. 6097-S & S

Dated, Calcutta, the 26th June, 1984.

To  
The Director of Land Records & Surveys, West Bengal,  
Survey Building, Alipore, Calcutta-27.

Subject : Relief u/s. 6(5) of the Estates Acquisition Act.

Ref. : His unofficial Note No. 804/4008/6/81 dated 19/23-11-83.

The undersigned is directed to refer to the above and to state that after careful consideration and in super-session of all previous instructions in this behalf, the Board has decided as follows :—

Relief u/s. 6(5) of the Estates Acquisition Act may be considered on specific prayer (i) where lands of intermediary/raiyat vested in the State due to non-submission of 'B' Form, or (ii) where 'B' Form was submitted, but the Revenue Officer disposed it of disregarding the option exercised in such 'B' Form without good and sufficient reasons manifest in the records and without giving any opportunity of hearing to the intermediary/raiyat provided that the lands involved in either of the two cases have not been distributed.

In considering the cases u/s. 6(5), the fact that the lands now opted for retention have been taken possession of even symbolically may be ignored.

While disposing of the 6(5) cases the facts regarding preparation of Compensation Assessment Roll and payment of compensation in favour of the petitioner intermediary/raiyat will have to be duly considered. If payment of compensation on the basis of finally published C. A. Roll or on Ad-interim basis has already been made, on relief should be given. If however, no Roll has been prepared or a Roll has been prepared but no payment has been made, relief u/s. 6(5) can be given subject to fulfilment of other conditions.

The Board has further decided that in the matter of relief u/s. 6(5) of the final decision in all cases should rest with the Settlement Officers.

It should be the duty of all the supervising officers to see that proceedings u/s. 6(5) are initiated only in appropriate cases and that relief is extended only to such cases as satisfy the conditions set forth in the foregoing paragraphs.

He is requested to issue detailed instructions to the Settlement Officers within the framework of the above guideline under intimation to the Board.

Sd/- A. K. Chakrabarti,  
Special Officer & (ex-officio) Secretary,  
Board of Revenue, West Bengal.

**Land Utilisation and Reforms and Land and Land Revenue Department**  
**Land Reforms Branch**

No. 993-L. Ref.

Dated Calcutta, the 5th March, 1979.

From : Sri S. K. Bhattacharyya,  
Dy. Secy. to the Govt. of West Bengal.

To : The Settlement Officer, Medinipur.

Sub : Correction of the settlement record-of-rights prepared under the provisions of the Estates Acquisition Act in cases where decrees from Civil Courts are obtained by land-owners for declaration of title.

Sir,

With reference to your d. o. letter No. 97/G-27/78 addressed to Shri L. N. Ray, Special Officer (Law) and (ex-officio) Joint Secretary of this Department, I am directed to furnish below the opinion given by him on the points raised therein :

1. Decrees of Civil Suits shall be ignored, if the State of West Bengal duly represented according to the Civil Procedure Code was not made a party.
2. Such decrees should also be ignored where the State of West Bengal was simply made a proforma defendant, as distinct from principal defendant. Reliefs are not claimed against proforma defendants who are, therefore, not bound by decrees granted in such suits.
3. Normally decrees obtained in suits where the State of West Bengal duly represented according to the Civil Procedure Code was made a principal defendant is binding. But I do not think, there is any compulsion on the part of the Settlement Authority to correct the record-of-rights in accordance with the decree, unless there is a specific mandatory injunction to that effect. Where there is a mandatory injunction direction correction of record-of-rights in a particular way, then also the decree-holder can compel correction by means of execution of the decree, the Settlement Authority has no duty to comply with the decree in connection with correction of record-of-rights.
4. The question of overriding effect of a title suit decree over the provisions of Estates Acquisition Act does not actually arise. Undoubtedly the provisions of a law, unless struck down by a competent Court, shall be followed not only by the Government and the authorities but also by the Courts. But application of provisions of the law is always variable in the context of fact and circumstances of each particular case. A Civil Court is usually called upon to adjudge on this point, namely, application of the provisions to a particular case and the judgement given by the Court unless set aside by a superior Court, is binding on the parties to the suit."

Yours faithfully,

Sd/- S. K. Bhattacharyya,

Dy. Secretary to the Govt. of W. Bengal.

**GOVERNMENT OF WEST BENGAL**  
**Office of the Board of Revenue, West Bengal**  
Section—C, S & S Branch

No. 18976(16)-S & S  
178/15

Dated : Calcutta, the 3rd October, 1975.

To

1. The Director of Land Records and Surveys, West Bengal
2. The Collector/Deputy Commissioner, .....

Sub : Course of action to be taken in preparing/revising/updating land records of Khas lands under the West Bengal Land Reforms Act, 1955.

In supercession of all previous orders issued in this behalf the undersigned is directed to say that, it has been decided by Govt. that the following course of action should be taken in preparing/revising/updating land records of khas lands under the West Bengal Land Reforms Act, 1955 :—

- (i) Name of a person reported to be in illegal occupation of any khas land or lands vested in the State will not feature in the record-of-rights.
- (ii) In case any name has already featured in the records prepared during Khanapuri-cum-Bujharat, the J. L. R. O./C. I. concerned will file a dispute in writing during ATTESTATION and, if necessary, an objection in due course with a view to getting such name removed from the record-of-rights.

In the case of lands recorded in B-II Touzis of Govt. Deptts. Settlement Directorate will issue notice to the respective Govt. Deptts. before commencement of field work so that they may send their officials to represent their cases before the local Settlement Officials. All Govt. Departments are being written to accordingly.

Sd/- Illegible  
Special Officer & ( ex-officio ) Secretary,  
Board of Revenue, West Bengal.

Memo. No. 18976/1(23) S & S

Copy forwarded for information and necessary action to :

- 1) The Addl. District Magistrate (L R)/The Addl. Deputy Commissioner (LR).....
- 2) The Settlement Officer,

Calcutta,  
the 3rd October, 1975.

Sd/- Illegible  
Special Officer & ( ex-officio ) Secretary,  
Board of Revenue, West Bengal.

**GOVERNMENT OF WEST BENGAL**  
**Office of the Board of Revenue, West Bengal**  
Section—C (II), S&S Branch

No. 9891(16)-S & S

Dated, Calcutta, the 1st June, 1978.

To :  
The Director of Land Records & Surveys, West Bengal/The Collector/Deputy Commissioner,.....

Subject : Course of action to be taken in preparing/revising/updating land records of khas lands under the West Bengal Land Reforms Act, 1955.

In Board's Memo. No. 18976(16)-S&S. dated 3rd October, 1975 it was directed, inter-alia, that the names of the persons reported to be in illegal occupation of any khas land or lands vested in the State would not feature in the Record-of-Rights.

2. With the insertion of new section 49A in the West Bengal Land Reforms Act by the W.B.L.R. (Amendment) Ordinance of 1976, the unauthorised occupants of such lands have to be given notice to vacate and in case of non-compliance or failure some penal measures have to be taken. In the circumstances, unless the unauthorised possessors are recorded in Col. 16 of the Khatian during the time of Khanapuri-Bujharat ( field survey ), it would be difficult on the part of the Junior Land Reforms Officers/Revenue Officers to issue such notice to such unauthorised occupants and to demand the damages under clause (b) of sub-section (6) of section 10 of the W.B.E.A. Act as amended in 1975.

3. It is, therefore, directed, in partial modification of the orders issued under Board's Memo. No. 18976(16)-S & S. dated 3.10.75, that, with a view to giving effect to the provisions of section 49A of the W.B.L.R. Act and of section 10(6)(b) of the W.B.E.A. Act, such unauthorised possession will be recorded in col. 16 of the Collectors' khatians with a note "৪৯(ক) ধারা প্রযোজ্য".

4. It would, however, be competent for the J.L.R.Os. to issue notice of eviction to unauthorised possessors whose names do not feature in the settlement records.

Sd/- Secretary,  
Board of Revenue, West Bengal.

Memo. No. 9891/1(26)-S & S

Copy to :—

- 1) The Addl. Dist. Magistrate (LR)/The Addl. Dy. Commissioner (LR).....
- 2) The Settlement Officer.....  
for information and necessary action.

Calcutta, the 1st June, 1978.

Scanned by Tanmay Chakrabarty, IAS  
ADM (LR) & DL&LRO, Jalpaiguri

Sd/- A. K. Chakraborti,  
Special Officer & (ex-officio) Secretary,  
Board of Revenue, West Bengal.

Government of West Bengal  
**Office of the Board of Revenue, West Bengal**  
Section—C(I), Misc ( Comp )—Branch

No. 13167(16)-M & M

Dated Calcutta, the 29th December, 1986.

To  
The Collector,  
.....

Sub : Grant of quarry permits in respect of agricultural lands.

In Board's Memo. No. 9503 (16) M & M dt. 30. 10. 86 it has been stated inter alia that in cases of old brickfields and sand quarries on agricultural lands, which have existing sanction, the Collector may issue quarry permits after conversion of such land in accordance with the provisions of rule 4C of the West Bengal Land Reforms ( Amendment ) Act, 1981. Some of the Collectors have pointed out that conversion of agricultural land into non-agricultural one under Section 4C of the West Bengal Land Reforms ( Amendment ) Act, 1981 is a long drawn process and the procedures will have to be laid down by the Board of Revenue. As such quarry permits under the West Bengal Minor Minerals Rule, 1973 cannot be issued even in respect of old brickfields and quarries.

To resolve the impasse it has been decided by the Board of Revenue that the Collectors may provisionally allow conversion for the purpose of issuing quarry permits pending finalisation of the process of conversion which will take time.

Sd/- Secretary,  
Board of Revenue, West Bengal.

Memo No. 13167/1-(39)-M & M

Copy forwarded to :

- 1) Commissioner, Burdwan Division, Chinsurah
- 2) Addl. Dist. Magistrate (LR),.....
- 3) Commerce & Industries Deptt.
- 4) Deptt. of Environment.
- 5) Land & Land Reforms Deptt.
- 6) Sabhadhipati,.....Zilla Parishad.

Calcutta,  
The 29th December, 1986.

Sd/- Secretary,  
Board of Revenue, West Bengal.

Scanned by Tánmay Chakrabarty, IAS,  
ADM (LR) & DL&LRO, Jalpaiguri

**Government of West Bengal  
Office of the Board of Revenue, West Bengal**

Memo. No. 9503(16)-M & M

Dated, Calcutta, the 30th Oct., 1986.

**From :** Land Reforms Commissioner,  
West Bengal,

**To :** The Collector, .....

**Subject :** Grant of quarry permits in respect of agricultural lands.  
**Ref :** Board's Memo. no. 4840(16)-M & M dt. 20.6.86 and  
d.o. letter no. 6100(18)-M & M dt. 25.7.86.

After issue of Commerce and Industries Deptt's Notification No. 5955-CI/Mines dt. 27.7.85 amending rule 4 of the West Bengal Minor Minerals Rules, 1973 extraction of minor minerals has been prohibited in any land classified in revenue records as agricultural land, orchard or forest. Now a question has been raised as to whether agricultural land in respect of which quarry permit has already been granted by the Collector for the purpose of extraction of minor minerals before issue of Commerce & Industries Deptt's Notification No. 5955-CI/Mines dt. 27.7.85 shall come under the purview of amended rule 4 of the West Bengal Minor Minerals Rules, 1973.

2. The matter has been duly considered by the Board of Revenue in consultation with the Commerce & Industries Deptt. of this Government and it has been decided that agricultural lands in respect of which valid quarry permits had already been granted by the Collector before 27.7.85 i.e. the date on which amended rule 4 of West Bengal Minor Minerals Rules, 1973 came into force shall not come under the purview of this rule as the classification of the subject land has virtually been changed by non-agricultural use. In cases of old brickfields and sand quarries on agricultural lands as stated above which have existing sanction the Collector may issue quarry permits after conversion of such land in accordance with the provisions of rule 4C of the West Bengal Land Reforms Amendment Act, 1981 and after due observance of the conditions as laid down in rules 24, 26 and 31 of the West Bengal Minor Minerals Rules, 1973.

3. It is, however, clarified that new quarry permits shall not be issued in respect of lands classified in revenue records as agricultural land, forest and orchard as laid down in amended rule 4 of West Bengal Minor Minerals Rules, 1973.

Sd/-

Land Reforms Commissioner,  
West Bengal.

Memo. No. 9503/1(39)-M & M

Copy forwarded to :

- 1) Commissioner..... Division.....
- 2) Additional District Magistrate (LR).....
- 3) Commerce & Industries Deptt.
- 4) Deptt. of Environment.
- 5) Land and Land Reforms Department,
- 6) Sabhadhipati..... Zilla Parishad.

Sd/-

Land Reforms Commissioner,  
West Bengal.

Calcutta, the 30th Oct., 1986.

**S. P. MALLICK**

**Land Reforms Commissioner and Secretary,  
(ex-officio), Land & Land Reforms Department,  
Writers' Buildings, Calcutta.**

D. O. No. 6100(18)-M & M

Dated, Calcutta, the 25th July, 1986.

My dear

Please refer to Board's Circular No. 484(16)-M & M dated, the 20th June, 1986 regarding grant of quarry permit in respect of agricultural lands.

2. I have already made it clear to all Collectors that mining operation on agricultural land has been prohibited by an amendment to the W. B. Minor Minerals Rules, 1973. It has, however, been reported to the Board that brickfields and sand quarries are being allowed to operate on agricultural lands after change of classification of lands recorded as agricultural. Both the Board of Revenue and the Department of Environment have taken a serious view of the matter.

I would therefore request you to look into the matter personally and not to allow any conversion of agricultural land unless the purpose is specifically stated viz. for homestead or similar other use.

Any conversion for starting a brickfield or operating sand quarry on agricultural land should not be allowed under any circumstances without the approval of the Board of Revenue.

With regards,  
Yours sincerely,  
Sd/- S. P. Mallick

Shri.....  
The Addl. District Magistrate (LR),  
Burdwan, Mursidabad, Hooghly.

Memo No. 6100/1-M & M

Copy forwarded to Shri M. Gupta, I.A.S., Secretary, Department of Environment, Government of West Bengal. 5 copies of Board's Circular No. 4840(16)-M & M dated 20 6 86 are sent herewith

Scanned by Tanmay Chakrabarty, IAS  
Dated, Calcutta, the 25th July, 1986. ADM (LR) & DL&LRO, Jalpaiguri

Sd/-  
Land Reforms Commissioner,  
West Bengal.

Government of West Bengal  
**Office of the Board of Revenue, West Bengal**  
M. & M. Branch

No. 4840(16)-M & M

dated Calcutta, the 20th June, 1986.

From : Shri S. P. Mallick, I.A.S.  
Land Refoms Commissioner, W. Bengal.

To : The Collector .....

Sub : Grant of quarry permits in respect of agricultural lands.

In inviting a reference to Board's Memo. No. 2203(15)-M & M dt. 3.3.83 and Commerce & Industries Deptt's Notification No. 5955-CI/Mines dt. 27.7.85 amending rule 4 of the West Bengal Minor Minerals Rules, 1973 (copies enclosed) the undersigned is directed to say that though extraction of sand and other minor minerals has been prohibited in any land classified in revenue records as agricultural land, orchard or forest, it is reported that extraction of sand in Hooghly, Burdwan and in some others districts is causing damage to agricultural lands as well as to the Highways running in these areas. The Deptt of Environment has expressed grave concern over haphazard extraction of sand and mushroom growth of brickfields causing damage to agriculture and orchards.

2. Since mining operation on agricultural land has been prohibited it is not understood how sand quarries and brickfields can work on agricultural lands. It is imperative that Collectors shall take a serious view of the matter and see that no quarry permit is issued in respect of agricultural lands. It is also necessary to see that the classification of land recorded as agricultural land is not changed for this purpose in any circumstances

3. It is true that many of the sand quarries and brickfields, which are causing damage to agricultural lands as well as to highways, village roads and buildings, are mostly illegal. There are provisions in the Minor Minerals Rules for taking action against such illegal extraction. But when such illegal extraction is causing damage to public right it appears that action may also be taken under Sec 290 of the Indian Penal Code and under Sec. 18 of the Highways Act, 1964. Sec. 290 I.P.C. provides for punishment for public nuisance. Public nuisance as defined in the Act includes obstruction or annoy any person who have to use any public right. It is clear that causing damage to the public right and thereby causing inconvenience to the public in general amounts to public nuisance which is punishable under Sec. 290 I.P.C. Sec. 18 of the Highways Act, 1964 provides that whoever in contravention of Sec. 15 causes any damage on any obstruction of any Highway shall on conviction be punished with fine which may extend to Rs. 1000/- and shall in addition be liable to pay the cost of repair of such damage or cost of removal of obstruction.

4. All Collectors are, therefore, advised to take suitable measures against unauthorised extractors of minor minerals so that sand quarries and brickfields cannot cause damage to agricultural lands, orchards, Highways, public roads and buildings.

Sd/-  
Land Reforms Commissioner,  
West Bengal.



Memo No. 4840/1(40)-M & M

Copy forwarded to :—

1. Commissioner,.....Divn.....
2. Addl. District Magistrate (LR), .....
3. Commerce & Industries Deptt.
4. Deptt. of Environment.
5. Land & Land Reforms Deptt.
6. Sabhadhipati, .....Zilla Parishad.

Calcutta, The 20th June, 1986.

Sd/-  
Land Reforms Commissioner,  
West Bengal.

Government of West Bengal  
**Office of the Board of Revenue, West Bengal**  
Section—AIII, M. & M.—Branch

No. 2203(15)-M & M

Calcutta, 3rd March, 1983.

To  
The Collector/Deputy Commissioner,  
.....

Sub : Grant of quarry permits in respect of agricultural lands.

It has come to the notice of the Board of Revenue that in many districts valuable agricultural lands are being used as sand quarries and brickfields rendering such lands permanently unfit for agriculture besides seriously affecting the productive capacity of the neighbouring agricultural lands. This practice not only affects agricultural production, but also affects the interests of small and marginal farmers of the State. Government has taken a very serious view of such a mushroom growth of sand quarries and brickfields on agricultural lands.

2. The undersigned is directed to request all Collectors to impress upon the Land Reforms officials the necessity of dealing with applications for quarry permits and brickfields with due care and caution so that agricultural production in the area is not affected adversely and the interest of small farmers and bargadars are safeguarded. The Collectors are further advised to take immediate measures for stopping illegal and unauthorised extractions on agricultural lands. The unauthorised extractors should be firmly dealt with in terms of the existing provisions of West Bengal Land Reforms Act, 1955, Mines and Minerals ( Regulation and Development ) Act, 1957 and the West Bengal Minor Minerals Rules, 1973.

Sd/- S. L. Bose  
Land Reforms Commissioner,  
West Bengal.

Memo No. 2203/1 (21)-M & M

Copy forwarded to :—

1. The Commissioner,.....Division .....
2. Addl. Dist. Magistrate (LR)/Addl. Dy. Commissioner (LR)  
.....
3. Secretary, Commerce & Industries Department, West Bengal,  
for information and necessary action.

Calcutta,  
3-3-83

Sd/- S. L. Bose  
Land Reforms Commissioner,  
West Bengal.

Government of West Bengal  
**Commerce and Industries Department**  
**MINES**

**NOTIFICATION**

No. 5955-CI/Mines -25th July, 1985—In exercise of the power conferred by sub-section (1) of section 15 of the Mines and Minerals ( Regulation and Development ) Act, 1957 ( 67 of 1957 ), the Government is pleased hereby to make the following amendments in the West Bengal Minor Minerals Rules, 1973, published with this department notification No. 155-Mines, dated the 30th January 1974, as subsequently amended ( herein-after referred to as the said rules )—

**Amendments**

1. In the said rules, for rule 4, substitute the following rule :—  
“4. Prohibition of Mining Operation without Permit or Mining Lease : (1) (a) No person shall undertake any mining operation in any area except under and in accordance with the terms and conditions of a mining lease or quarry permit granted under these rules :

Provided that if any public sector undertaking, either by itself or through any agent duly authorised by such undertaking in this behalf, searches for collects materials or minor minerals or undertakes any mining operation with a view to ascertain commercial prospects of winning any minor minerals, no mining lease or quarry permit under these rules shall be necessary.

- b) No person shall undertake any mining operation in any land classified in revenue records as agricultural land, orchard or forest :

Provided that mining operation in respect of sand shall be restricted to land pertaining to bed or foreshore of a river.

- (c) No person shall undertake mining operation in any area prohibited by the State Government in the public interest by notification in the Official Gazette :

Provided that nothing in this sub-rule shall affect any mining or quarry operation undertaken in any area in accordance with the terms and conditions of a mining lease or mineral concession granted before the amendment of this rule, which was in force at the time of such amendment.

2. The State Government may, by notification in any Official Gazette, reserve any area or areas in West Bengal for exploitation in the public sector and, upon such notification, no application for any mining lease or quarry permit pertaining to the area or areas shall be granted to any person other than any public sector undertaking.
3. (i) When any minor mineral comes out in course of digging of wells or excavation of tanks, the person undertaking such digging or excavation shall immediately inform the District Authority as well as the Executive Officer of the Panchayat Samiti or the Executive Officer of the municipality concerned, as the case may be.
- (ii) No person shall sell or otherwise dispose of such minor mineral without prior consent of the District Authority and without prepayment of price of such minor mineral at the rate prevailing in the market at the relevant time."

2) Delete rule 36

By order of the Governor,  
Sd/- J. MISRA  
Spl. Secy. to the Govt. of West Bengal.

Government of West Bengal  
**Office of the Board of Revenue, West Bengal**  
M. & M. Branch.

No. 8349(18)-M & M

Calcutta, the 23rd Aug., 1984.

To

- 1) Additional District Magistrate (LR), .....
- 2) Additional Deputy Commissioner (LR), .....

Sub : Fixation of rent under Sec. 30 of the West Bengal Estates Acquisition Act, 1953.

In inviting a reference to Land & Land Reforms Department's memo. no. 797(18)-L. Ref. dt. 10.4.81 on the subject noted above the undersigned is directed to say that in view of the amended provision of Section 30 of the West Bengal Estates Acquisition Act [ West Bengal Estates Acquisition ( Amendment ) Act, 1977 ] Surface Rent at the rate of Rs. 45/- per acre per annum is realisable with effect from the nationalised collieries. Government notifications allowing retention of the quantum of land by such collieries have already been issued in respect of 88 collieries. Separate instructions are being issued for realisation of Surface Rent in respect of these 88 collieries.

The Mining Advisory Committee have also submitted reports in respect of 97 collieries about which Government notifications allowing retention of lands will be issued shortly.

Surface Rent is realisable from the lessees in respect of the land which is under use and occupation of the lessees. It has, therefore, been decided by the Board of Revenue that pending determination of the area of land these collieries with ultimately be allowed to retain, Surface Rent may be realised on the basis of the area

under present possession of such collieries. The undersigned is, therefore, directed to say that Surface Rent realisable under Section 30 of the West Bengal Estates Acquisition Act at the prescribed rate of Rs. 45 per acre per annum shall be raised on the basis of the statements made by the collieries with regard to such possession. This may, however, be subject to adjustment when Government notifications specifying areas to be retained by such collieries are issued on the recommendation of the Mining Advisory Committee.

Sd/-

Deputy Secretary,  
Board of Revenue, West Bengal, &  
(ex-officio) Deputy Secretary to the Govt.  
of West Bengal, Land and Land Reforms  
Department.

Memo. No 8349/1(21)-M & M

Copy forwarded to :—

- 1) Commerce & Industries Department.
- 2) Land and Land Reforms Department.
- 3) Commissioner.....Division .....
- 4) Director of Land Records & Surveys, West Bengal.
- 5) District Magistrate/Deputy Commissioner.....

Calcutta, the 23rd Aug., 1984.

Sd/- Deputy Secretary,  
Board of Revenue, West Bengal

GOVERNMENT OF WEST BENGAL  
Office of the Board of Revenue, West Bengal  
Section-AIII M. & M. Branch

No. 2203 (15)-M & M

Calcutta, 3rd March, 1983.

To  
The Collector/Deputy Commissioner,  
.....

Sub: Grant of quarry permits in respect of agricultural lands.

It has come to the notice of the Board of Revenue that in many districts valuable agricultural lands are being used as sand quarries and brickfields rendering such lands permanently unfit for agriculture besides seriously affecting the productive capacity of the neighbouring agricultural lands. This practice not only affects agricultural production, but also affects the interests of small and marginal farmers of the State. Government has taken a very serious view of such a mushroom growth of sand quarries and brickfields on agricultural lands.

2. The undersigned is directed to request all collectors to impress upon the Land Reforms officials the necessity of dealing with applications for quarry permits and brickfields with due care and caution so that agricultural production in the area is not affected adversely and the interest of small farmers and bargadars are

safeguarded. The Collectors are further advised to take immediate measures for stopping illegal and unauthorised extractions on agricultural lands. The unauthorised extractors should be firmly dealt with in terms of the existing provisions of West Bengal Land Reforms Act, 1955, Mines and Minerals ( Regulation and Development ) Act, 1957 and the West Bengal Minor Minerals Rules, 1973.

Sd/- S. L. Bose  
Land Reforms Commissioner,  
West Bengal.

Memo No. 2203/1 (21)-M & M

Copy forwarded to :

1. The Commissioner... .. Division
2. Addl. Dist. Magistrate (LR)/Addl. Dy. Commissioner (LR).....
3. Secretary, Commerce & Industries Department, West Bengal. for information & necessary action.

Calcutta,  
3. 3 83.

Sd/- S. L. Bose  
Land Reforms Commissioner  
West Bengal.

#### NOTIFICATION

No. 5955-CI/Mines—25th July, 1985. —In exercise of the power conferred by sub-section (1) of section 15 of the Mines and Minerals ( Regulation and Development ) Act, 1957 ( 67 of 1957 ), the Government is pleased hereby to make the following amendments in the West Bengal Minor Minerals Rules, 1973, published with this department notification No. 155-Mines, dated the 30th January 1974, as subsequently amended ( hereinafter referred to as the said rules )—

#### Ammendments

1. In the said rules, for rule 4, substitute the following rule :—

"4 Prohibition of Mining Operation without Permit or Mining Lease : 1. a) No person shall undertake any mining operation in any area except under and in accordance with the terms and conditions of a mining lease or quarry permit granted under these rules :

Provided that if any public sector undertaking, either by itself or through any agent duly authorised by such undertaking in this behalf, searches for or collects materials or minor minerals or undertakes any mining operation with a view to ascertain commercial prospects of winning any minor minerals, no mining lease or quarry permit under these rules shall be necessary.

b) No person shall undertake any mining operation in any land classified in revenue records as agricultural land, orchard or forest.

Provided that mining operation in respect of sand shall be restricted to land pertaining to bed or foreshore of a river.

- c) No person shall undertake mining operation in any area prohibited by the State Government in the public interest by notification in the Official Gazettee

Provided that nothing in this sub-rule shall affect any mining or quarry operation undertaken in any area in accordance with the terms and conditions of a mining lease or mineral concession granted before the amendment of this rule, which was in force at the time of such amendment.

2. The State Government may, by notification in any official Gazettee, reserve any area or areas in West Bengal for exploitation in the public sector and, upon such notification, no application for any mining lease or quarry permit pertaining to the area or areas shall be granted to any person other than any public sector undertaking.
3. i) When any minor mineral comes out in course of digging of wells or excavation of tanks, the person undertaking such digging or excavation shall immediately inform the District Authority as well as the executive Officer of the Panchayat Samiti or the Executive Officer of the municipality concerned, as the case may be.
- ii) No person shall sell or otherwise dispose of such minor mineral without the prior consent of the District Authority and without prepayment of price of such minor mineral at the rate prevailing in the market at the relevant time” ;
- (2) delete rule 36.

By order of the Governor,  
J. MISRA  
Spl. Secy. to the Govt. of West Bengal