



Government of West Bengal

Board of Revenue, West Bengal

**Compendium of Instructions on
Land Reforms**

Volume II

(Up to 31st December 1980)

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1980**

PREFACE

A Compendium of instructions on land reforms was published by the Board of Revenue in 1977. Instructions issued by the Board since then have been compiled in the present volume.

2. The Land Management Manual, 1977, has since been published. A booklet on General Instructions on land reforms has also been issued by the Board of Revenue with the changes of policy on certain important issues new circulars/directions have been issued. There may be cases where apparently one may find conflicting directives. Obviously the latest instructions/directives will prevail.

3. All errors or omissions should be brought to the notice of the Board of Revenue. Suggestions for any improvement to make the volume more useful are welcome.

D. BANDYOPADHYAY,

Writers' Buildings

Land Reforms Commissioner, West Bengal.

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*Adl. District Magistrate
Jalpaiguri.*

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CHAPTER I

GOVERNMENT OF WEST BENGAL

Office of the Board of Revenue, West Bengal

Section A(I), G.E. Branch

No. 5723-G.E./217/79, dated Calcutta, the 16th/25th May 1979.

To—The Director of Land Records and Surveys, West Bengal.

Subject : *Appointment of Revenue Officers for the purpose of sections 14N(1) and 14-O(1) of the West Bengal Land Reforms Act.*

Reference : *His Memo. No. 186/1839/C/79, dated 3rd March 1979.*

The undersigned is directed to say that the pending petitions which were filed under section 14N of the West Bengal Land Reforms Act before the Subdivisional Land Reforms Officer as the prescribed authority prior to issue of notification No. 3840-L. Ref., dated 16th November 1978, shall be heard and disposed of by the Subdivisional Land Reforms Officer. The appeals therefore shall be entertained and disposed of by the officers who would have done so but for notification No. 3840-L. Ref, dated 16th November 1978.

A. K. CHAKRABORTI,
*Special Officer and Ex-officio Secretary,
Board of Revenue, West Bengal.*

Memo. No. 5723/1(93)-G.E.

Copy with a copy of Director of Land Records and Surveys' Memo. No. under reference is forwarded to the—

- (1) Commissioner, _____ Division _____,
- (2) Collector, _____,
- (3) Additional District Magistrate (Land Reforms)/
Additional Deputy Commissioner (Land Reforms), _____,
- (4) Settlement Officer, _____,
- (5) Subdivisional Land Reforms Officer, _____,

for information and necessary action.

A. K. CHAKRABORTI,
*Special Officer and Ex-officio Secretary,
Board of Revenue, West Bengal.*

Calcutta,
The 16th/25th May 1979.

GOVERNMENT OF WEST BENGAL

Office of the Director of Land Records and Surveys,
West Bengal

No. 186/1839/C/79, dated Alipore, the 3rd March 1979.

To—The Secretary, Board of Revenue, West Bengal.

Subject : *Appointment of Revenue Officers for the purpose of sections 14N(1) and 14-O(1) of the West Bengal Land Reforms Act.*

Under the Land Revenue Department's Notification No. 3838-L. Ref., dated 16th November 1978, the Revenue Officer to whom a *raiyyat* shall furnish a return under section 14T has been appointed the prescribed authority under section 14(N) and the Revenue Officer immediately superior to the Revenue Officer to whom a *raiyyat* shall furnish a return under section 14T, under notification No. 3840-L. Ref., dated 16th November 1978, has been made the appellate authority under section 14-O. Questions now arise as to who will dispose of the appeals under section 14-O which were filed before 16th November 1978 and the petitions filed before Subdivisional Land Reforms Officers under section 14N before 16th November 1978 and still lying pending. In case the Settlement Department has to dispose of such appeals and petitions now, Board may kindly issue necessary instructions in the matter.

N. K. GHOSH,
*For Director of Land Records and Surveys,
West Bengal.*

GOVERNMENT OF WEST BENGAL

Office of the Board of Revenue, West Bengal

Section A(I), G.E. Branch

No. 6637(18)-G.E./16/79, dated Calcutta, the 1st June 1979

To—The Additional District Magistrate (Land Reforms)/
The Additional Deputy Commissioner (Land Reforms).

Subject : *Maintenance of Orchard by the raiyyats.*

A reference is invited to the provisions of section 4B(1) of the West Bengal Land Reforms Act, 1955, which lays down that every *raiyyat* owning any Orchard shall maintain and preserve the Orchard in such manner that its area is not diminished or its character is not changed, except with the previous permission in writing of the Board of Revenue, West Bengal. It is noticed that a good number of proposals from certain districts for felling of old and non-fruit bearing mango trees from Orchards on the basis of the enquiry reports of the local Junior Land Reforms Officers are coming to the Board. Permission of the Board is being accorded in those cases subject to the condition that the *raiyyat* concerned would re-plant saplings immediately after the old and non-fruit bearing trees are felled. Such conditional permission is given so that the financial or other difficulty of the *raiyyat* is mitigated and the

Purpose of the provision of the Act is not frustrated. It has been brought to the notice of the Board that on the basis of the orders of the Board old trees are being felled, but in many cases new saplings are not being re-planted in their places. As a result, there is every possibility of Orchards being eliminated gradually. It is also felt that for want of technical knowledge the Junior Land Reforms Officers are not in a position to certify that the trees are old and not fruit bearing. The problem was referred to the Agriculture Department. The opinion of the Agriculture Department in this respect is reproduced below :

“.....An Orchard may become unproductive if it is not properly managed (i.e., application of fertilisers, pesticides, irrigation as and when required, destruction of parasitic plants, etc.). Felling is to be resorted to only when attempts of rejuvenation by proper management practices have failed. Except in cases of very old and senile trees, manuring, irrigation, use of plant protection chemicals, etc., are likely to improve the condition of the Orchard trees and their yield. We cannot, perhaps, declare a tree unproductive and recommend its felling unless it has been maintained under good management condition for a considerable period. The Project Officer (Multiple Cropping) of the district may be consulted in this matter for opinion.”

Considering the above circumstances the Board is pleased to direct—

- (a) that the Additional District Magistrate/ Additional Deputy Commissioner (Land Reforms) should invariably consult the District Project Officer (Multiple Cropping) of the Agriculture Department and obtain his advice in writing as to whether the tree/ trees proposed to be felled is/are old and non-fruit bearing before sending his recommendation to the Board. Copies of such certificates should be enclosed with the paper,
- (b) that an undertaking should be taken from the raiyat concerned that he shall re-plant new sapling in place of the trees felled, within a period of three months from the date of felling the old and non-fruit bearing trees, and
- (c) that cases where there has been a violation on the part of the raiyat the matter should be reported to the Board with specific recommendation about the action to be taken against the said raiyat.

This issues with the concurrence of Agriculture Department.

J. R. SAHA,
Secretary,
Board of Revenue, West Bengal.

Memo. No. 6637/1(2)-G.E.

Copy forwarded to—

- (i) Secretary, Agriculture Department,

(ii) Director of Agriculture, Government of West Bengal, with reference to his unofficial Not A/642-R.S., dated 19th April 1979,

with the request to kindly issue suitable instruction to the concerned officers of Agriculture Department for issuing the required certificate.

A. K. CHAKRABORTY,
Special Officer and Ex-officio Secretary,
Board of Revenue, West Bengal.

Calcutta,
The 1st June 1979.

Memo. No. 6637/2(18).G.E.

Copy forwarded to the—

- (i) Commissioner, ————— Division —————,
- (ii) District Magistrate/Deputy Commissioner, ———,

for information.

A. K. CHAKRABORTI,
Special Officer and Ex-officio Secretary,
Board of Revenue, West Bengal.

Calcutta,
The 1st June 1979.

GOVERNMENT OF WEST BENGAL

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

Memo. No. 11924(18)-G.E./419/78, dated Calcutta, the 29th June 1978.

To—The Additional District Magistrate (Land Reforms)/ The Additional Deputy Commissioner (Land Re forms).

Subject : Attendance of the representative of the Junior Land Reforms Officer at Khanapuri Bujharat work table.

It has come to the notice of the Board that during Khanapuri Bujharat work at village level, no representative of the concerned Junior Land Reforms Officer attends the table for the recording of vested lands as well as for the opening of Khatians in the names of the allottees of vested lands and other purposes. As a result it takes a lot of time at a later stage to reconcile discrepancy of the vested land for want of such co-operation at the Khanapuri Bujharat stage.

He is requested to ensure that the representatives of the Junior Land Reforms Officers attend the Khanapuri Bujharat tables during the currency of the Khanapuri Bujharat work in a particular mauza.

J. R. SAHA,
Secretary,
Board of Revenue, West Bengal.

Memo. No. 11924/1(28)-G.E.

Copy forwarded to the—

- (1) Director of Land Records and Surveys, West Bengal,
- (2) Commissioner,..... Division.....,
- (3) District Magistrate/Deputy Commissioner,.....,
- (4) Settlement Officer,.....,
- (5) Land Utilisation and Reforms and Land and Land Revenue Department,

for information.

J. R. SAHA,
Secretary,
Board of Revenue, West Bengal.

Calcutta,
The 30th June 1978.

GOVERNMENT OF WEST BENGAL

Home Department

Police

No. 1356-PL., dated Calcutta, the 15th February
1978

From—Shri A. K. Sen, Chief Secretary to the Government of West Bengal,

To—

- (1) The Secretary,———Department.
- (2) Inspector-General of Police, West Bengal.
- (3) Commissioner of Police, Calcutta.
- (4) District Magistrate/Deputy Commissioner,——.

Subject : *Action regarding encroachments on Government and Municipal lands.*

Reports have been received from time to time of encroachments on lands belonging to Calcutta Corporation, Municipalities, various Departments of Government and of the Undertakings owned and/or managed by Government. The Government view this development with serious concern and desire that immediate and firm steps should be taken to remove encroachments and to prevent future encroachments.

2. In Calcutta, the encroachment is mostly by hawkers and traders who occupy stretches of pavements and construct temporary stalls/shops thereon. The Calcutta Corporation has already completed a survey to identify the areas where encroachments have occurred in recent months. Steps should be taken immediately to remove these encroachments with the assistance of the Calcutta Police. As regards old encroachments, action should be taken to remove these after obtaining orders of the Department of Local Government and Urban Development. The Officer-in-Charge of the police-stations in Calcutta should be directed to keep watch over the areas freed of encroachments so that all attempts at fresh encroachments are promptly and firmly dealt with. The Commissioner of Police should issue clear instructions in the matter.

3. Similar action should be taken for removal and prevention of encroachments on lands belonging to Municipalities, Panchayats, etc., in the districts. District Magistrates should immediately take action in the matter in consultation with the local municipal or Panchayat bodies. The local police will provide all protection to the demolition squads and thereafter keep constant watch on any fresh encroachment. While the primary responsibility in this matter lies with the Municipality or the Panchayat to which the land belongs, in view of the paucity of staff of such organisations, the local police should also be on the watch.

4. As regards encroachments on Government lands, Government Departments owning such lands should immediately undertake survey and locate such encroachments. Firm steps should thereafter be taken to remove new encroachments with the help of the local police. Copies of reports by the local officers to the Officers-in-Charge of the police-stations for taking action against the trespassers should be endorsed to the Head of the Department concerned. Steps for removal of such encroachments will be taken by the Department concerned and the police will provide protective cover. The local officers of the Departments shall thereafter maintain constant vigil over their lands so that all encroachments are detected promptly and steps taken for removal thereof.

A. K. SEN,
Chief Secretary to the Government of West Bengal

D.O. No. 4762(18)-G.E./110/78, dated Calcutta, the
22nd April 1978.

In inviting your attention to paragraph 4 of circular No. 1356-PL., dated 15th February 1978, from the Chief Secretary to the Government of West Bengal (copy enclosed) I am to request you to initiate immediate action in the matter of removal of encroachment on vested/khas lands with the help of local police and to send monthly reports on the progress of the endeavour.

I would also request you to kindly instruct the Sub-divisional Land Reforms Officers/Junior Land Reforms Officers to keep constant vigil so that all encroachments are detected promptly and steps taken for their removal.

J. R. SAHA,
Secretary,
Board of Revenue, West Bengal.

Addl. District Magistrate (Land Reforms).

GOVERNMENT OF WEST BENGAL

Board of Revenue

Standing guidelines for settlement of disputes relating to cultivation and harvesting—protection to bargadars and assignees of vested lands.

1. It is the intention of the Government to ensure peaceful cultivation and harvesting by maintaining order by effective implementation of the land reforms

2. Bargadars whether recorded or unrecorded should be given full legal protection not only in cultivating the land and harvesting the crop but also in sharing the produce strictly according to law.

3. While it is neither possible nor desirable to list all possible types of cases of agrarian disputes relating to cultivation and harvesting, a few major types of potential conflicts are being mentioned in the following paragraphs by way of illustration. Solutions of the variety of disputes may have to be locally found with the good offices of Panchayat bodies.

4. Where the dispute is between the land owner and the recorded bargadar (including the bargadar who has got any document showing his prima facie right of cultivation issued by any public officer under any Act or Rules) the latter should receive full protection from the administration in cultivating the land and harvesting the crop and getting proper share of the produce.

5. Though legally there is no distinction between recorded and unrecorded bargadars, so far as the benefits of the land reforms laws are concerned, there might be difficulties in delivering the benefits to unrecorded bargadars. Attention is drawn to section 21B of the West Bengal Land Reforms Act which reads as follows:—

“21B. Person cultivating land of another person to be presumed to be a bargadar in certain cases : A person lawfully cultivating any land belonging to another person shall be presumed to be a bargadar in respect of such land if such person is not a member of the family of the other person whose land he cultivates and the burden of proving that such land is in his personal cultivation shall, notwithstanding anything to the contrary contained in any other law for the time being in force, lie on the person who alleges that the person cultivating the land is not a bargadar in respect of such land.”

Therefore, under the law, if any person lawfully cultivates the land of another person he is presumed to be a bargadar. He should, therefore, get all protection under the law.

6. A problem may arise if two or more persons claiming as bargadars raise a dispute about cultivation and harvesting. In all probability one will be the genuine bargadar and the other a fake one. Local enquiries should be held to ascertain the fact and protection should be given to the genuine bargadar. Here again good offices of the Panchayat bodies may be sought.

7. The possibility of disputes between two genuine bargadars, one who had been illegally evicted earlier and the other who has been engaged in his place, cannot be ruled out. As contemplated under section 19B(1)(b) of the West Bengal Land Reforms Act, the newly engaged bargadar will cultivate the land, harvest the crop and share the produce with the old bargadar who had been illegally evicted. Landowners in such cases will not get any share of the produce. It is desirable to bring about a solution on this line through the good offices of the elected Panchayat bodies. Such disputes should not be allowed to develop into open confrontation. Every attempt should be made to

prevent, as far as practicable, conflicts between and among the poor.

8. The problem may be slightly different regarding cultivation of vested land and harvesting of produce thereof. Where the pattaholder is an eligible person under section 49 of the West Bengal Land Reforms Act, he should be given all protection to cultivate the land, harvest the crop and take the entire produce.

9. Where the pattaholder is prima facie a non-eligible person but his patta has not yet been annulled, he should be allowed to cultivate the land and harvest the crop, if there is evidence that he is in actual possession of the land and he raised the crop himself.

10. In case where the land reforms machinery has failed to hand over possession of the allotted land to the pattaholder who is an eligible person, all attempts should be made to put him in possession of the land immediately in accordance with the rules including rule 20(A) 3(b) of the West Bengal Land Reforms Rules. Where, however, such allotted land has been cultivated illegally by a person other than the allottee, efforts should be made to sort out the problem by effecting amicable compromise through the good offices of the elected Panchayat bodies, wherever necessary.

11. Determined efforts should be made to prevent and eliminate possibilities of violence during cultivation and harvesting. Sensitive areas should be identified where serious breach of the peace is apprehended because of the threat of violence and precautionary measures should be taken to forestall any occurrence of breach of the peace. Help and good offices of the elected Panchayat bodies should be taken in this regard.

12. Government expects that the functionaries at all levels in the district administration should act impartially. They should always bear in mind that the weaker section of the community who have so far been deprived of and denied of their legitimate rights and privileges are given full benefits and protection that they are entitled to under various laws.

Writers' Buildings,
Calcutta,
The 31st July 1979.

GOVERNMENT OF WEST BENGAL

Office of the Board of Revenue, West Bengal
Section A(1), G. E. Branch

No. 15394-G.E./83/78, dated Calcutta, the 29th August 1978.

To—The Additional District Magistrate (Land Reforms), Baraset.

Subject : *Conversion of agricultural lands into non-agricultural tenancy.*

Reference : *His Memo. No. 184-L.R. (N) XVI-1/77, dated 20th January 1978.*

The undersigned is directed to say that the "Collector" under the Non-agricultural Tenancy Act should look into the Urban Land (Ceiling and Regulation) Act, 1976, before granting permission for conversion of agricultural land into non-agricultural tenancy. He should also see that the provisions of other Acts like West Bengal Estates Acquisition Act and West Bengal Land Reforms Act are not violated by taking recourse to section 72 of the Non-agricultural Tenancy Act.

No one except a tenant or a landlord can apply under section 72 of the Non-agricultural Tenancy Act. There is no tenant under the West Bengal Land Reforms Act, which now governs agricultural lands. The word "tenant" has been defined for the purposes of Non-agricultural Tenancy Act in section 3(2) of the Act. The result is that no one except a non-agricultural tenant holding agricultural land or landlord can apply under section 72 of the Act. It may, however, be kept in mind that a non-agricultural tenant under the Non-agricultural Tenancy Act may be a raiyat under West Bengal Land Reforms Act. But the applicant for conversion of agricultural land to non-agricultural tenancy is required to be a non-agricultural tenant or a "tenant" under section 3(2) of the Non-agricultural Tenancy Act. So a careful scrutiny is necessary before granting permission under section 72 of the Act. The Collector should, however, give the applicant and all the parties concerned a reasonable opportunity of being heard as per provisions under section 72(1) of the Act.

All concerned may please be instructed accordingly.

A. K. CHAKRABORTI,
Special Officer and Ex-officio Secretary,
Board of Revenue, West Bengal.

Memo. No. 15394/1(36)-G.E.

Copy forwarded to—

- (1) Commissioner,—.....Division.....,
- (2) Collector/Deputy Commissioner,.....,
- (3) Additional District Magistrate (Land Reforms)/
Additional Deputy Commissioner (Land-
Reforms),.....,
- (4) Land Utilisation and Reforms and Land and
Land Revenue Department.

for information.

A. K. CHAKRABORTI,
Calcutta, Special Officer and Ex-officio Secretary,
The 29th August 1978. Board of Revenue, West Bengal.

GOVERNMENT OF WEST BENGAL

**Office of the Board of Revenue, West Bengal
Section A, G. E. Branch**

No. 10376(15)-G.E., dated Calcutta, the 16th August
1979.

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

Subject : *Conversion of agricultural land into non-
agricultural tenancy.*

Reference : Board's Memo. No. 15394-G.E. dated the
29th August 1978.

In continuation of the above Memo., the undersigned is directed to state that conversion of agricultural land under section 72 of the West Bengal Non-agricultural Tenancy Act may be allowed in genuine cases where the lands are purchased for bonafide non-agricultural purposes like building dwelling houses, setting up of small industries, etc., even if the applicant may not be a non-agricultural tenant.

All such cases of conversion should, however, be disposed of having due regard to paragraph one of Board's Memo. under reference.

A. K. CHAKRABORTI,
Special Officer and Ex-officio Secretary,
Board of Revenue, West Bengal.

Memo. No. 10376/1(22)-G.E.

Copy forwarded to the—

- (1) Commissioner,.....Division,.....,
- (2) Additional District Magistrate (Land Reforms),
.....,
- (3) Land Utilisation and Reforms and Land and
Land Revenue Department.

for information and necessary action.

A. K. CHAKRABORTI,
Special Officer and Ex-officio Secretary,
Calcutta, Board of Revenue, West Bengal,
The 16th August 1979.

GOVERNMENT OF WEST BENGAL

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

No. 9222-G.E., dated Calcutta, the 25th May 1978.

To—The Director of Land Records and Surveys
West Bengal.

Subject : *Recording the names of occupiers of land who
have been given the status of a raiyat or a
non-agricultural tenant under the provisions
of the West Bengal Acquisition of Homestead
Lands for Agricultural Labourers, Artisans
and Fishermen Act, 1975.*

The West Bengal Acquisition of Homestead Land for Agricultural Labourers, Artisans and Fishermen Act, 1975, provides for statutory acquisition, transfer and vesting of land in rural areas held by any person being an agricultural labourer, an artisan or a fisherman. All these take place by operation of law, provided that the conditions required by the Act are fulfilled.

2. Under section 4 of the said Act where an occupier has been in possession of any land on the 26th June 1975, (a) if the land in his possession does not exceed .0334 hectare, so much of land as does not exceed .0334 hectare, shall stand acquired by State Government and shall thereupon stand transferred to and vest absolutely in favour of such occupier. (The

Act defines "occupier" as "an agricultural labourer or an artisan or a fisherman who is in possession of any land of another person, either as a lessee or as a licensee or as a trespasser and who holds no other land in any capacity whatsoever and includes the heirs of such person"). A question may arise in regard to the treatment of homestead land under occupation of a "bargadar" as this category has not been specifically mentioned in the Act. A bargadar generally works also as an agricultural labourer, particularly in the lean seasons. Therefore there should not be any difficulty in extending the benefits of this Act to bargadars.

3. In view of the above provisions, the land not exceeding .0334 hectare in possession of an occupier on the 26th June 1975 has already been acquired by the State and transferred to and absolutely vested in such occupier who has, in terms of section 7 of the Act, attained the status—

- (i) of a raiyat, if such land is agricultural land; or
- (ii) of a non-agricultural tenant, if such land is non-agricultural land.

4. Such occupiers having the status of a raiyat or that of a non-agricultural tenant have to be recorded as such in the current Settlement Operation by opening a khatian for each of them. Where portion of a plot, being in occupation of any such person, has vested in him a separate plot be carved out for such portion and a number assigned to it. Such occupiers will not, however, be liable to pay revenue or rent for such land but liable to pay cesses only.

5. The Settlement Officers may be instructed to get the names of such occupiers recorded in the current Settlement Operation, but where the name of such an occupier has already been recorded in column 23 (old) (i.e., the remarks column of the khatian) in course of the current Settlement Operation such cases should be re-opened and action should be taken as indicated in paragraph 4 of this circular. They may also be instructed to send mauzawari lists of such persons to the Land Reforms Circle Offices for incorporation of their names in Register II (Tenants' Ledger) for the purpose of collection of Public Works/Road and Education Cesses. They may also send another copy to the Settlement Charge Officer as such occupiers might get some financial assistance for house building purposes. These lists should be forwarded to the designated officer in the district who deals with such matters.

J. R. SAHA,
Secretary,
Board of Revenue, West Bengal.

Memo. No. 9222/1(36)-G.E.

Copy forwarded for information and necessary action to the—

- (1) Commissioner,.....Division,.....,
- (2) Collector/Deputy Commissioner,.....,

(3) Additional District Magistrate/Additional Deputy Commissioner,

J. R. SAHA,
Secretary,
Board of Revenue, West Bengal.

Calcutta,
The 25th May 1978.

8
LAND REFORMS—
79

GOVERNMENT OF WEST BENGAL

**Office of the Board of Revenue, West Bengal
Section A(D), G.E. Branch**

No. 11025(24)-G.E., dated Calcutta, the 27th August 1979

To—

- (1) The Director of Land Records and Surveys West Bengal.
- (2) The Collector, _____,
- (3) The Settlement Officer, _____.

Subject : *West Bengal Acquisition of Homestead Land for Agricultural Labourers, Artisans and Fishermen Act, 1975.*

A reference is invited to the West Bengal Acquisition of Homestead Land for Agricultural Labourers, Artisans and Fishermen Act, 1975 (Act XLVII of 1975). The salient features of the Act are given below :

- (i) Where an occupier has been in possession of any land on the 26th day of June 1975, then—
 - (a) if the land in his possession does not exceed .0334 hectare, such land, and
 - (b) if the land in his possession exceeds .0334 hectare, so much of such land as does not exceed .0334 hectare,
 shall stand acquired by the State Government and shall thereupon stand transferred to and vest absolutely in favour of such occupier. The "land" means either agricultural land or non-agricultural land upon which there is a homestead.
- (ii) Where there are several persons interested in the land acquired, the Collector shall, by order, apportion the amount amongst such persons in accordance with the nature and extent of interest held by such person.
- (iii) An occupier in whose favour any land vests under the Act shall have the status—

- (a) of a raiyat, if such land is agricultural land or
- (b) of a non-agricultural tenant, if such land is non-agricultural land :

Provided that the occupier shall not be liable to pay any revenue or rent for such land.

(iv) If there is any dispute on the question as to whether a land has vested in an occupier under the provisions of the Act, the matter shall be referred to the Collector, whose decision thereon shall be final.

2. The West Bengal Acquisition of Homestead Land for Agricultural Labourers, Artisans and Fishermen Rules, 1976, made under the Act (promulgated under Agriculture Department notification No. 1690-C.D.P., dated 2nd March 1976) lay down, inter alia, the following :—

(i) 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, 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.

(ii) A plan for the land shall be prepared and kept with the case records.

(iii) The Collector shall confer the title of the land which has vested in an occupier under the Act by a document in the form enclosed.

3. Under Board's Memo. No. 9222-G.E., dated the 25th May 1978, instructions were issued to the effect that the occupiers of land in terms of the provisions of the said Act, having the status of a *raiyyat* or that of a non-agricultural tenant have to be recorded as such by opening a Khatian for each of them. It was also instructed that mauzawise lists of such persons should be sent to the Land Reforms Circle Offices for incorporation of their names in Register II. A provision in the West Bengal Land Reforms Rules has also been made to empower the Revenue Officer to record the names of such occupiers and to issue Parcha to them, vide notification No. 3290-L. Ref. dated 9th September 1978.

4. In areas where Settlement Operation under section 51 of the West Bengal Land Reforms Act is going on, the names of the occupiers of such lands are being recorded in the record-of-rights and copies thereof being handed over to such occupiers. The lists of such occupiers are being sent to the Land Reforms Circle Offices as instructed previously. It appears that the Block Development Officers have been appointed the Collectors for the purpose of the Act. It is, therefore, necessary that lists of such occupiers be sent to the Block Development Officers as well who will issue the documents conferring rights of land on such occupiers. The Settlement Officers may please be instructed accordingly.

5. The Collectors or in other words the Block Development Officers will as soon as they receive the lists of the persons recorded in the record-of-rights, arrange for issuing the document conferring the right of land to such occupiers.

6. In areas where Settlement Operation is not going on, the Block Development Officers acting as the Collectors will take all actions in regard to vesting and transferring of such lands in favour of the occupiers in terms of the provisions of the said Act and issuing

the documents conferring title of lands to them. A copy of the document should immediately be sent to the concerned Junior Land Reforms Officer for incorporating the names in the Register II. A copy should also be sent to the Officer-in-charge, Settlement Camp concerned, for bringing the names in record.

7. The members of the Panchayat Samitis may please be consulted whenever necessary.

8. Immediate actions may please be initiated on the above lines.

A. K. CHAKRABORTI,
Special Officer and Ex-officio Secretary,
Board of Revenue, West Bengal.

Memo. No. 11025/1(24)-G.E.

Copy forwarded to the—

(1) Agriculture Department,

(2) Panchayat Department,

(3) Commissioner, _____ Division, _____

(4) Additional District Magistrate/Additional Deputy
Commissioner, _____,

(5) Land Utilisation and Reforms and Land and
Land Revenue Department,

(6) Community Development Department, Raj
Bhavan, Calcutta,

for information.

A. K. CHAKRABORTI,
Special Officer and Ex-officio Secretary,
Board of Revenue, West Bengal.

Calcutta,
The 27th August, 1979.

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 stand 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 of 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.

পশ্চিমবঙ্গ সরকার

রাজস্ব পর্ষদ

বিভাগ ক (১), শাখা জি ই

পত্র নং ১১০২৫(২৪)-জি ই/৩৫৭৭৮, কলিকাতা, ২৯
আগস্ট ১৯৭৯

- (১) ভূমিলেখ্য ও পরিমাপ অধিকর্তা, পশ্চিমবঙ্গ,
(২) জেলা সমাহর্তা,
(৩) ভূবাসন আধিকারিক,

বিষয় : পশ্চিমবঙ্গ কৃষি-শ্রমিক কারিগর ও মৎস্যজীবীদের
জন্য বাস্তুভূমি অধিগ্রহণ আইন, ১৯৭৫।

প্রথম অংশ : পশ্চিমবঙ্গ কৃষি-শ্রমিক কারিগর ও
মৎস্যজীবীদের জন্য বাস্তুভূমি অধিগ্রহণ আইন, ১৯৭৫-এর
প্রতি দৃষ্টি আকর্ষণ করা যাইতেছে। আইনটির মুখ্য
বৈশিষ্ট্যগুলি নিম্নে দেওয়া হইল :

(১) যেক্ষেত্রে একজন দখলকারী ১৯৭৫ সালের ২৬
জুন হইতে কোন জমি দখল করিয়া আছেন সেক্ষেত্রে—

(ক) যদি তাঁহার দখলীকৃত জমির পরিমাণ ০৩৩৪
হেক্টরের বেশি না হয় তবে সেই পরিমাণ জমি,
এবং

(খ) যদি তাঁহার দখলীকৃত জমির পরিমাণ ০৩৩৪
হেক্টরের বেশি হয় তবে সেই পরিমাণ জমি
যাহা ঐ ০৩৩৪ হেক্টরের বেশি নহে, সরকার
কর্তৃক অধিগ্রহীত হইয়াছে বলিয়া গণ্য হইবে
এবং দখলীকারী ব্যক্তির নিকট হস্তান্তরিত ও
তাঁহার উপর সম্পূর্ণভাবে বর্তাইয়াছে বলিয়া পরিগণিত
হইবে। এখানে জমি বলিতে বুঝায় কৃষি জমি
অথবা অ-কৃষি জমি যাহার উপরে কোন বাস্তু
রহিয়াছে।

(২) যেক্ষেত্রে কোন একখানি অধিগ্রহীত জমির উপর
কয়েকজন ব্যক্তির দাবি থাকিবে সেক্ষেত্রে সমাহর্তা তাঁহার
আদেশবলে জমিখানি ঐ সকল ব্যক্তির মধ্যে দাবির প্রকৃতি
ও পরিমাণ অনুপাতে বন্টন করিয়া দিবেন।

(৩) একজন দখলকারী যাহার অনুকূলে ঐ আইন
অনুযায়ী কোন জমি বর্তাইবে কৃষি জমি হইলে তিনি “রায়ত”
হইবেন অথবা অ-কৃষি জমি হইলে তিনি “অ-কৃষি প্রজা”
হইবেন।

এইরূপ “রায়ত” বা “অ-কৃষি প্রজা” ঐ জমির থেকে
কোনরূপ রাজস্ব বা খাজনা দিতে বাধ্য থাকিবেন না।

(৪) ঐ আইনের ধারা অনুসারে কোন জমি কোন
দখলকারের উপর বর্তাইয়াছে কিনা সেই বিষয়ে কোন বিবাদ
হইলে তাহা সমাহর্তার নিকট বিচারের জন্য পাঠাইতে হইবে,
এবং তাঁহার সিদ্ধান্তই বহাল হইবে।

(৫) সমাহর্তা অথবা সমাহর্তা কর্তৃক ক্ষমতা-প্রদ
কোন আধিকারিক এইরূপ কোন জমিতে সুর্যোদয় হইতে
সূর্যাস্ত পর্যন্ত যেকোন সময়ে তাঁহার প্রয়োজনানুসারে আধি-
কারিকগণ ও কমিগণ সমাভিব্যাহারে প্রবেশ করিতে পারিবেন
এবং দখলকারের দখলীকৃত জমির পরিমাণ ও চৌহদ্দি
নির্ধারণের জন্য সেই জমি জরিপ ও মাপজোখ করিতে
পারিবেন।

(৬) ঐ জমির একটি নকশা তৈয়ারি করিয়া তাহা নথিভুক্ত
করিতে হইবে।

(৭) সমাহর্তা কোন দখলকারের উপর যে জমি বর্তাইবে
তাহার উপর ঐ দখলকারের স্বত্ব একটি দলিলের দ্বারা
প্রদান করিবেন। (দলিলের অনুলিপি ইংরেজীতে দেওয়া
আছে।)

দ্বিতীয় অংশ : রাজস্ব পর্ষদের ২৫এ মে ১৯৭৮ তারিখের
৯২২২-জি ই স্মারকে ঐ মর্মে নির্দেশ দেওয়া হইয়াছিল যে,
ঐ আইনানুযায়ী কোন জমির দখলকার যাহাকে “রায়তী
বা “অ-কৃষি প্রজা” স্বত্ব দেওয়া হইল তাঁহার নাম খতিয়ানভুক্ত
করিতে হইবে ঐ উদ্দেশ্যে প্রত্যেকের জন্য আলাদা খতিয়ান
খুলিতে হইবে। ঐ মর্মে আরও নির্দেশ দেওয়া হইয়াছিল
যে দখলকার ব্যক্তিগণের একটি মৌজাভিত্তিক তালিকা
প্রস্তুত করিয়া সেটেলমেন্ট বিভাগ নিদিষ্ট ভূমি-সংস্কার
মণ্ডলে পাঠাইবেন যাহাতে ঐ ব্যক্তিগণের নাম “রেজিস্টার-২”
-এ তোলা হয়। পশ্চিমবঙ্গ ভূমি-সংস্কার বিধিতে এইরূপ
ধারা প্রদত্ত হইয়াছে যে, “রাজস্ব আধিকারিক” ঐ সকল
দখলকার ব্যক্তির নাম নথিভুক্ত করিবেন এবং তাঁহাদের
“পরচা” প্রদান করিবেন।

(২) যেসকল অঞ্চলে ভূমি-সংস্কার আইনের ৫১ ধারা
অনুযায়ী স্বত্বলিখনের কাজ চলিতেছে সেই সকল অঞ্চলে
এইরূপ দখলকার ব্যক্তিগণের নাম নথিভুক্ত করা হইতেছে
এবং পরচা প্রদান করা হইতেছে; ঐ সকল ব্যক্তির তালিকাও
ভূমি-সংস্কার মণ্ডলে পাঠানো হইতেছে।

এখন দেখা যাইতেছে যে, সমষ্টি উন্নয়ন আধিকারিকগণ
ঐ আইনে “সমাহর্তা”র ক্ষমতা প্রাপ্ত হইয়াছেন। সুতরাং
ঐ দখলকার ব্যক্তিগণের নামের তালিকা সমষ্টি উন্নয়ন
আধিকারিকের নিকটেও পাঠানো প্রয়োজন যাহাতে তিনি
ঐ দখলকার ব্যক্তিগণের স্বত্ব প্রদান সংক্রান্ত দলিলটি তৈয়ারি
করিয়া যথাযথ ব্যক্তিকে তাহা দান করিতে পারেন।
ভূবাসন আধিকারিকদের ঐ মর্মে নির্দেশ দিতে অনুরোধ
করা যাইতেছে।

(৩) সমাহর্তা তথা সমষ্টি উন্নয়ন আধিকারিক ঐ তালিকা
প্রাপ্ত হইবার সঙ্গে সঙ্গে ঐ সকল ব্যক্তিদের অনুকূলে স্বত্ব
প্রদান সংক্রান্ত দলিলসমূহ হস্তান্তর করিবার ব্যবস্থা করিবেন।

(৪) যেসকল অঞ্চলে ৫১ ধারা মতে স্বত্বলিখনের কাজ
চলিতেছে না সেই সকল অঞ্চলে সমষ্টি উন্নয়ন আধিকারিক
যিনি সমাহর্তার ক্ষমতাপ্রাপ্ত আধিকারিক, তিনি ঐ আইন
অনুসারে জমির দখলকারের অনুকূলে দখলীকৃত জমির
হস্তান্তর ও বর্তানোর কার্য সম্পাদন করিবেন এবং স্বত্ব
প্রদান সংক্রান্ত দলিলটিও দখলকারিকে প্রদান করিবেন।
ঐ দলিলের একটি অনুলিপি সঙ্গে সঙ্গেই নিদিষ্ট ভূমি-সংস্কার
মণ্ডলে পাঠাইয়া দিতে হইবে যাহাতে স্বত্ব প্রাপকের নাম
“রেজিস্টার-২”-তে তোলা হয়। ঐ দলিলের আর একটি
অনুলিপি নিদিষ্ট ভূবাসন আধিকারিকের নিকট পাঠাইতে
হইবে যাহাতে স্বত্ব প্রাপকের নাম যথাসময়ে নথিভুক্ত হয়।

(৫) প্রয়োজন হইলেই পঞ্চায়েত সমিতির সদস্যদের
সহিত ঐ বিষয়ে আলোচনা করিয়া সিদ্ধান্ত লইতে হইবে।

(৬) উপরোক্ত নির্দেশ অনুযায়ী সর্বস্তরে ব্যবস্থা করিবার জন্য অনুরোধ জানানো যাইতেছে।

অনিল চক্রবর্তী,
বিশেষ আধিকারিক ও প্রাধিকারিক সচিব,
রাজস্ব পর্ষদ, পশ্চিমবঙ্গ।

স্মারক নং ১১০২৫।১(২৪)-জি ই

অনুলিপি:

- (১) কৃষি বিভাগ,
- (২) পঞ্চায়ত বিভাগ,
- (৩) বিভাগীয় কমিশনার,
- (৪) অপর জেলা সমাহর্তা,
- (৫) ভূমি সন্যবহার ও সংস্কার এবং ভূমি ও ভূমি-রাজস্ব বিভাগ,
- (৬) সমষ্টি উন্নয়ন বিভাগ, রাজভবন, কলিকাতা।

অনিল চক্রবর্তী,
বিশেষ আধিকারিক ও প্রাধিকারিক সচিব
রাজস্ব পর্ষদ, পশ্চিমবঙ্গ।

কলিকাতা,
২৯শে আগস্ট ১৯৭৯।

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

No. 13691(19)-G.E./547/78, dated Calcutta, the 26th July 1978

To—

- (1) The Director of Land Records and Surveys, West Bengal.
- (2) The Additional District Magistrate (Land Reforms) The Additional Deputy Commissioner (Land Reforms).

Subject : *Correction of records in favour of the persons to whom the lands are restored under the West Bengal Restoration of Alienated Land Act, 1973.*

A reference is invited to item No. 6.3 of the operational decisions taken in the Workshop held on 23rd and 24th June 1978 at the Survey Building, Alipore. It has been enjoined therein that the Special Officers appointed under the West Bengal Restoration of Alienated Land Act, 1973, shall furnish the Junior Land Reforms Officers and the Circle Officers with copies of orders passed under sub-section (4) of section 4 *ibid.*

2. During the present revisional survey and settlement operations the lands have obviously been recorded in favour of the transferee. It is necessary for the Revenue Officer to record these lands in favour of the transferor as soon as those are restored to them by an order under section 4(4) *ibid.* It is, therefore, directed that immediately on receipt of the copies of orders from the Special Officer, the Revenue Officer shall correct the records in favour of the person to whom the land has been restored. The records are to be corrected under section 51 of the Land Reforms Act in areas where the revisional settlement operation is in progress. In other areas the correction if necessary should be made under section 50 of the Land Reforms Act. Where the information is received during the currency of any stage of the settlement operation under section 51, the records should be corrected right in that stage. Where, however,

the information is received after completion of a particular stage the correction should be made in the stage following.

3. A copy of the records-of-right so corrected should be given to the person in whose favour land has been restored.

4. All concerned should be instructed accordingly

A. K. CHAKRABORTI,
Special Officer and Ex-officio
Secretary,
Board of Revenue, West Bengal.

Memo. No. 13691/1(27)-G.E.

Copy forwarded to the—

- (1) Commissioner,.....
- (2) District Magistrate/Deputy Commissioner,.....
- (3) Settlement Officer,.....
- (4) Land Utilisation and Reforms and Land and Land Revenue Department

for information:

A. K. CHAKRABORTI,
Special Officer and Ex-officio
Secretary,
Calcutta,
The 26th July 1978. *Board of Revenue, West Bengal.*

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

No. 13104(19)-G.E., dated Calcutta, the 17th July 1978

To—

- (1) Commissioner, Division.
- (2) The Director of Land Records and Surveys, West Bengal.
- (3) Collector/Deputy Commissioner,

Subject : *Level to level administrative collaboration*

The need for greater understanding and collaboration between the Settlement Wing and the Land Reforms Wing, who were entrusted with execution of the land reforms measures was emphasised in the Workshop. Setting up of an organisation with unified command will take time. Pending that, proper understanding and collaboration between these two wings have to be ensured specially in respect of the following items of works :—

- (a) Bargadar recording;
- (b) Protection of bargadars;
- (c) Vesting of land;
- (d) Distribution of land;
- (e) Institutional coverage of bargadars and new allottees on vested lands;

so that the land reforms measures can be administered properly. The most effective way of achieving understanding and collaboration is by arranging meetings of the officials concerned where the problems encountered may be thrashed out so as to tackling them effectively by collective efforts of both the wings and for this purpose inspection of the work done in one wing by the officers of the other wing will go a long way. This will afford to the officers concerned an opportunity to understand the problems and also to take a comprehensive view regarding administration of land reforms measures.

2. The Settlement Officer and the Additional District Magistrate (Land Reforms) will meet at least once a month to discuss the problems and sort them out. Similarly the Subdivisional Officer and the Charge Officer will meet preferably once a fortnight to sort out the local operational problems. Collectors, Additional District Magistrates and Subdivisional Officers in course of their tours should visit the Settlement Camps. The Settlement Officers should likewise visit the offices of the Subdivisional Land Reforms Officers and Junior Land Reforms Officers. Further down in the line the Subdivisional Land Reforms Officers will inspect the Settlement Camps. The Settlement Circle Officer should also inspect the offices of the Junior Land Reforms Officers. An Officer of particular level will inspect the offices of lower levels of the other wing. The purpose of such visits/inspections is not merely to detect faults but to foster a spirit of co-operation and extend help to the other wing to do the job more effectively. When, however, an Inspecting Officer of one wing finds that the work has not been correctly done in the other wing, he should not only bring it to the notice of the officer whose office he inspected but of the officer superior to the one whose office he has inspected. His duty will not end only in pointing out the irregularity. He should also give suggestions as to the remedial measures and also ensure that the mistakes have been rectified within seven days from the date of report. For this purpose Inspection Book should be maintained in all the offices. All the irregularities mentioned in the Inspection Note should, immediately on receipt of the same, be recorded on half-margin in the Inspection Book and the other half of the page should be reserved for noting the measures taken to carry out the orders passed.

3. During their monthly meetings the Settlement Officer and the Additional District Magistrate (Land Reforms) will review the frequency of inter-wing inspections and the results thereof. Should they find that the frequency of inspection in the preceding month was inadequate they should issue necessary instructions to the lower level officers to take up more frequent visits.

4. It is once again emphasised that visits by an officer of particular wing to an office of the other wing is aimed at achieving greater understanding and co-operation between the two wings in order to remove administrative impediments to proper implementation of land reforms measures in their totality. Such visits should, therefore, be taken up with a spirit of goodwill and understanding.

5. In order that inter-wing visits/inspections as indicated above can be properly maintained the Additional District Magistrates and the Settlement Officers will obtain a monthly return from the supervising officers under him as to the number of visits/inspections

undertaken by him. A quarterly report should also be submitted to the Board of Revenue by the Additional District Magistrates (Land Reforms) showing therein the total number of inter-wing visits/inspections undertaken by the officers of the Land Reforms Wing. A review of the results of such visits/inspections should also be made in the report. The Director of Land Records and Surveys will also submit a quarterly report to the Board of Revenue.

J. R. SAHA,
Secretary,
Board of Revenue, West Bengal.

Memo. No. 13104/1()G.E.

Copy forwarded to the Additional District Magistrate (Land Reforms)/Additional Deputy Commissioners (Land Reforms)/Settlement Officer/Subdivisional Officer and Charge Officers for information and necessary action.

J. R. SAHA,
Secretary,
Board of Revenue, West Bengal.

Calcutta,
The 17th July, 1978.

LAND REFORMS 3/79

GOVERNMENT OF WEST BENGAL

Office of the Board of Revenue, West Bengal

Section A(D), G.E. Branch

No. 7555(42)-G.E., dated, the 19th June 1979

To—

- (1) The Director of Land Records and Surveys, West Bengal.
- (2) The Additional District Magistrate (Land Reforms)/Additional Deputy Commissioner (Land Reforms),.....
- (3) The Collector,.....
- (4) Settlement Officer,.....

Subject: *Level to level administrative collaboration.*

A reference is invited to paragraph 4.1 of the operational decisions of the Workshop held on 4th and 5th May 1979. The need for greater co-operation between the two wings—Land Reforms Wing and the Settlement Wing—in all spheres of activities of common interest was emphasised therein. A review of the level to level administrative collaboration at the field level since the last Workshop held in June 1978 shows that there is ample scope for further co-ordination between the two wings. Such long-standing problems as discrepancies in the figures of vested land as maintained

by both the wings, movement of Compensation Assessment rolls, etc., can be reconciled with better rapport amongst the functionaries in the field level. It is desirable that the field level officers visit the offices of their counterparts and thrash out outstanding problems by discussions.

2. He is, therefore, requested to issue detailed instructions to all the officers subordinate to him so that frequent meetings may be held and visits undertaken to settle issues of common interest.

3. A quarterly return in the proforma enclosed should be sent to the Board.

4. The Director of Land Records and Surveys, may collect returns from the Settlement Officers in the proforma and send a consolidated report to the Board. The quarterly reports should be sent in the months of March, June, September and December to reach the Board by the 7th of the following month. The first report falls due in the month of June 1979 and may be sent by the 7th of July.

A. K. CHAKRABORTI,
Special Officer and Ex-officio
Secretary,
Board of Revenue, West Bengal.

Memo. No. 7555/1(3)-G.E.

Copy forwarded to—

- (1) Commissioner,.....
Division,.....

A. K. CHAKRABORTI,
Special Officer and Ex-officio,
Secretary,
Calcutta,
The 19th June 1979. Board of Revenue, West Bengal.

Report on Level to Level Administrative Collaboration
for the quarter ending on—

PROFORMA

No. of meetings between District Magistrate/Additional Magistrate/and Settlement Officer	No. of meetings between the Sub-Divisional Officer and Charge Officer	No. of inter-wing visit inspections at all levels	A short note on the problems discussed and disposed of
1	2	3	4

GOVERNMENT OF WEST BENGAL

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

No. 9839(26)-G.E., dated Calcutta, the 1st June 1978

To—

- (1) The Additional District Magistrate/Additional Deputy Commissioner (Land Reforms),
(2) The Settlement Officer,

Subject : Classification of lands under banana plantation and bamboo clumps as agricultural lands.

The undersigned is directed to refer to Board's Memo. No. 7156-G.E., dated 10th May 1973 and Land Utilisation and Reforms and Land and Land Revenue Department Memo No. 10427(15)-L. Ref., dated 24th August 1971, regarding classification of lands under banana plantation. It was enjoined therein that the banana plantation should be regarded as orchard within the meaning of clause (e) of section 14K of the West Bengal Land Reforms Act.

2. In an appeal case (No. 1658 of 1965—State of West Bengal Vs. Mir Fakir Mohammad), the High Court, Calcutta, decided that banana plantation and bamboo groves should be treated as agricultural lands and not orchards. Mir Fakir Mohammad, however filed an appeal before the Supreme Court against the said judgment of Hon'ble High Court, Calcutta. The Supreme Court has upheld the view of the High Court, Calcutta and dismissed the appeal. The effect is that banana plantation and bamboo groves should be treated as agricultural land and not orchards within the meaning of either section 6(1)(f) of the West Bengal Estates Acquisition Act or section 14K(e) of the West Bengal Land Reforms Act.

3. In the circumstances, the benefit of provision contained in section 14Q(2) of the West Bengal Land Reforms Act cannot be extended to the lands comprised in banana plantation or bamboo groves.

4. Board's Memo. No. 7156-G.E., dated 10th May 3, 7 therefore stands cancelled.

J. R. SAHA,
Secretary,
Board of Revenue, West Bengal.

Memo. No. 9839/1(4)-G.E.

Copy forwarded to the—

- (1) Commissioner,.....Division,.....
(2) Director of Land Records and Surveys, West Bengal,

for information.

J. R. SAHA,
Secretary,
Board of Revenue, West Bengal.

Calcutta,
The 1st June 1978.

Memo. No. 9839/2-G.E.

Copy forwarded to the Land Utilisation and Reforms and Land and Land Revenue Department, West Bengal, for information.

2. They are requested to modify their circular, dated 24th August 1971.

J. R. SAHA,
Secretary,
Board of Revenue, West Bengal.

Calcutta,
The 1st June 1978.

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

Section A(I), G.E. Branch

No. 11333(18)-G.E./386/78, dated Calcutta, the 20th June 1978

To—
The Additional District Magistrate (Land Reforms)/
The Additional Deputy Commissioner (Land Reforms),

Subject : *Reconciliation of the figures of vested land maintained in Register VIII with the lands shown in the Collector's Khatians.*

The undersigned is directed to enclose a copy of the note, dated 27th May 1978, from the Director of Land Records and Surveys, West Bengal, which cites an instance how the discrepancy arises in the figures of vested land maintained in the Land Reforms Circle Offices in Register VIII with those shown in the Collector's Khatians. In this connection a reference is invited to Board's Memo. No. 13011(15)-G.E., dated 13th July 1976. It is clear from the note of the Director of Land Records and Surveys, West Bengal, that the instructions contained in paragraph 3 of Board's Memo., dated 13th July 1976, are not being properly followed.

It is reiterated that the Settlement Operation provides for an opportunity of reconciliation of such discrepancies. He is, therefore, requested to ensure that the lands as per Collector's Khatians in respect of each mauza tally exactly with the figures maintained in Register VIII of the respective mauza.

Necessary instructions may please be issued to the Junior Land Reforms Officers so that they take proper care to reconcile the discrepancies.

J. R. SAHA,
Secretary,
Board of Revenue, West Bengal.

Memo. No. 11333/1(20)-G.E.

Copy with a copy of the note forwarded for information to the—

- (1) Director of Land Records and Surveys, West Bengal,
- (2) Commissioner,.....Division,.....,
- (3) District Magistrate/Deputy Commissioner,....
.....,

(4) Land Utilisation and Reforms and Land and Land Revenue Department.

J. R. SAHA,
Secretary,
Board of Revenue, West Bengal.

Calcutta,
The 20th June 1978.

The Land Reforms Commissioner may kindly see the report below of the Settlement Officer, 24-Parganas, on the clarification asked for by him during his inspection of the Kakdwip Settlement Circle Camp on May 3, 1978. The cause of discrepancy of 18.06 acres of vested land between the records maintained by the Junior Land Reforms Officer, Kakdwip, and the Khanapuri-Bujharat Khatian of the Collector in Suryanagar Mauza has since been enquired into and identified. The quantum of vested agricultural land, according to the Junior Land Reforms Officer, Kakdwip, i.e., according to his Register VIII is 101.08 acres. This is on the basis of schedules of vested lands sent to him from time to time by the Settlement Officer-in-charge, 'C' Camp No. II, Diamond Harbour. The last of the vested land schedule was sent to the Junior Land Reforms Officer sometimes in the end of sixties. Subsequent to this, 18.06 acres of vested agricultural land were divested in pursuance of Court decree and the schedule of the said divested land was sent to the Junior Land Reforms Officer, Kakdwip, in 1972 under office Memo. No. RR/3/3352/Diamond Harbour-2/72, dated 21st September 1972 of the Officer-in-charge, 'Camp' No. II, Diamond Harbour. This, presumably, has not been noted in the Register VIII by the Junior Land Reforms Officer. The quantum of vested agricultural land shown in the Settlement Khanapuri-Bujharat Khatian is correct.

Two points emerge from the above :

- (i) That the Junior Land Reforms Officer has not taken due care to note the divesting duly intimated by the Settlement Camp. Had he taken proper care to rectify the entries in the Register VIII on intimation received from the Settlement this regrettable incident of discrepancy could have been avoided.
- (ii) Moreover, had the Junior Land Reforms Officer taken care even at a later stage when the Khanapuri-Bujharat Khatian of the Collector in respect of the mauza concerned was supplied to him, to check up the same for the purpose of updating his Register VIII he himself could have found out that the discrepancy is due to his failure to update his Register VIII. This also testifies the failure of the Junior Land Reforms Officer to examine the Khanapuri-Bujharat Khatian of the Collector prepared and sent to him before attestation.

The Land Reforms Commissioner may kindly consider whether all the Additional District Magistrates (Land Reforms) should be advised to activate the Junior Land Reforms Officer to update the Register VIII properly and be careful to note the utility of so doing and/or using the Khanapuri-Bujharat Khatian of the Collector for verifying the entries made in the Register VIII.

B. K. SARKAR,
Director of Land Records and Surveys, West Bengal.

GOVERNMENT OF WEST BENGAL

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

No. 12341(33)-G.E., dated Calcutta, the 10th July 1978

To The Collector,

The Additional District Magistrate (Land Reforms),
.....

Subject :—*Inspection of Circle Offices by the Collectors and the Additional District Magistrates (Land Reforms) and other supervisory officers.*

Consequent upon the priority assigned by the present Government on implementation of the land reforms measures frequent and thorough inspection of the Circle Offices has become absolutely necessary. Such inspection has not unfortunately been taken up at the level of the District Officers to the extent required. This has resulted in deterioration in the standard of work in those offices as also reduction in the optimum output. This position has been viewed with utmost concern and it has been decided that henceforth regular and detailed inspection of the Circle Offices should be undertaken by the Additional District Magistrates.

2. Each Additional District Magistrate will inspect at least two Circle Offices in a month so that each Circle Office can be covered at least once a year. Where the number of Circle Offices under the jurisdiction of an Additional District Magistrate is relatively large, the programme of inspection should be so adjusted that each Circle Office under his jurisdiction is covered at least once a year. The Collector himself will also inspect at least one Circle Office in each subdivision once a year. Similarly the Subdivisional Officer will also inspect all the Circle Offices in the subdivision in course of the year. In course of inspection the Additional District Magistrates will be required to look in details into all aspects of work normally done in the Circle Office. The following items should, however, be given special attention :—

- (1) Maintenance of guard file for important orders and circulars.
- (2) Checking of tahsil accounts by the Clerk-in-charge, the Assistant Revenue Officer, the Junior Land Reforms Officer, etc.
- (3) Maintenance of Register I on rent roll by the Tahasildars.
- (4) Maintenance of Register 73 for keeping note on Fidelity Guarantee Bonds of the Tahsildars.
- (5) Lease of sairati interests and proper maintenance of Miscellaneous Demand Register and Miscellaneous Collection Register.
- (6) Proper realisation of royalty from minor minerals.
- (7) Regular and timely disposal of certificate cases and maintenance of registers connected therewith.
- (8) Bhagchas cases.
- (9) Mutation cases.
- (10) Proper and regular maintenance of Register VIII.
- (11) Maintenance of Register XI for remission of revenue.

- (12) Maintenance of the Register for Civil Suit and Civil Rules.
- (13) Maintenance of list of eligible persons for distribution of khas vested land under section 49 of the Land Reforms Act.
- (14) Reconciliation of figures of vested land mentioned in the Land Reforms Circle and the Settlement Camps.
- (15) Proper treatment of the lands declared unfit for cultivation.
- (16) Maintenance of relevant records and papers regarding possession under section 10(2) of the Estates Acquisition Act.

3.1. The items indicated from serials 8 to 15 above are of utmost importance and should be specially dealt with by the Additional District Magistrate during inspection.

3.2 The Junior Land Reforms Officer has to perform some statutory duties as Bhagchas Officer, Certificate Officer, etc. During inspection the Additional District Magistrate will select at random some cases already disposed of by the Junior Land Reforms Officer and examine if the cases have been properly disposed of. It should also be ensured that such cases are disposed of within the minimum possible time. As regards Bhagchas cases, those cases where the bargadar lost should be particularly examined. In view of the priority given by the present Government for safeguarding the rights and interests of the bargadars it is eminently necessary that a new orientation is infused in the outlook of the Junior Land Reforms Officers regarding the bhagchas cases.

3.3 The list of eligible persons drawn up by the Junior Land Reforms Officer for distribution of vested land according to the priority fixed by the Board of Revenue should be very carefully examined. It should be seen that the list has been drawn up on the basis of correct information available either from records or from local enquiry reports. Additional District Magistrate should look into the minutes of Block Level Land Reforms Advisory Committees, compare the names of the landless persons recommended for vested land by the Committees vis-a-vis the priority list and make necessary comments in the inspection note.

3.4 The discrepancies in the figure of vested land supplied by the Settlement Department and as maintained in the Circle Offices should be looked into. If any discrepancy is found, the reasons leading to such discrepancy should be investigated. It should be made sure that the list of vested land furnished by the Settlement Department have been correctly brought into record by the Junior Land Reforms Officer and that lists which are furnished by the Settlement Department from time to time are duly accounted for.

On the date of inspection an officer of the Settlement organisation not below the rank of S.R.O. II may be invited to attend the Land Reforms Circle Office to reconcile any discrepancy.

3.5. It is eminently necessary that proper record of the vested plots which are hit by injunctions/civil rules are kept in Register VIII. During inspection the Additional District Magistrate should check up the entries in Register VIII with reference to papers available in the Circle Office. It has to be ensured that the Junior Land Reforms Officer has proper liaison

with the Additional District Magistrate to keep his papers relating to civil suits and civil rules up-to-date.

3.6. In a large number of cases land vested by the Settlement Department as agricultural land could not be settled as such as those were reported to be unfit as agriculture by the Junior Land Reforms Officer. The Additional District Magistrate will select some of such plots at random and undertake field inspection to satisfy himself that the classification of such lands has been correctly determined by the Junior Land Reforms Officer.

4.1. Local visit will constitute an important aspect of Additional District Magistrate's inspection of the Circle Office. It is needless to mention that the quality of work done in Circle Offices largely depends on the reports on field enquires conducted by the functionaries attached to the Circle Offices. Important decisions on various types of cases such as Bhagchias cases, mutation cases, etc., are taken on the basis of local enquiry. It is, therefore, necessary that such enquiries are conducted by the functionaries properly and without any bias. In course of his inspection the Additional District Magistrate will undertake as many local enquiries as possible to verify the correctness of the reports submitted by the functionaries of the Circle Offices.

4.2. The Settlement Charge Officers and Camp Officers concerned will accompany the Additional District Magistrate in his field visit to arrive at an agreed decision on classification of vested and khas lands.

4.3. During field inspection Additional District Magistrate may check up a few cases of brick fields, etc., to find out whether the owners are paying licence fee, royalty, etc., as required under the law. He may also check up a few jalkars, if there be any, to find out if they are being utilised properly by genuine fishermen. The Additional District Magistrate and other Inspection Officers during their field inspection should meet some allottees of the vested land and find out the manner of utilisation of the land and problems thereof.

5. The Tahsildars have their own sets of records and papers for their day-to-day work. The Additional District Magistrate will make it a point to meet the Tahsildars, specially those posted in the remote corner of the Circle jurisdiction and check up their papers to see that those are maintained correctly and up-to-date. If possible Additional District Magistrate may also hold meetings of all Tahsildars at the Circle Office on the day of inspection to enable the Additional District Magistrate to have first-hand knowledge about the revenue matters in the rural areas of the district.

6. Each Circle Office will maintain an Inspection Book in the same format of Register 26. The Additional District Magistrate will record in the Inspection Book a detailed note of his inspection. Details of mistakes found during inspection, suggestions given to the Junior Land Reforms Officer for improvement of work, etc., should be clearly recorded in the Inspection Book. This will facilitate subsequent follow-up. A copy of the inspection note should be sent to the Board of Revenue as also to the Commissioner of the Division.

7. It is emphasised that mere discussions with the functionaries of the Circle Offices regarding progress of work is not enough. The inspection should not be mechanically statistics-oriented. It should aim at assessing the personal performance of each functionary of the Circle Office as also to improve the quality and outturn of work.

8. Detailed inspection of a Circle Office as outlined above will be almost a day's work. The Additional District Magistrate should, therefore, undertake night halts, specially in the interior regions of his district, so that he can make available to himself the maximum amount of time for inspection work and also for undertaking local enquiries as indicated above.

9. Separate instructions should be issued by the Collectors to all the Subdivisional Officers and the Subdivisional Land Reforms Officers giving clear and detailed guideline and also fixing the minimum number of inspection they will have to undertake in a month. A copy of the instructions should be sent to the Board of Revenue as also to the Commissioner of the Division for further follow-up action.

J. R. SAHA,
Secretary,
Board of Revenue, West Bengal.

Memo. No. 12341/1(53)-G.E.

Copy forwarded to the—

- (1) Commissioner,..... Division.....,
- (2) Director of Land Records and Surveys, West Bengal,
- (3) Subdivisional Officer,.....,

for information.

J. R. SAHA,
Secretary,
Board of Revenue, West Bengal.

Calcutta,
The 6th July 1978.

GOVERNMENT OF WEST BENGAL

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

No. 13471(16)-G.E./409/78, dated Calcutta, the 21st July 1978

To—

- (1) The Director of Land Records and Surveys, West Bengal,
- (2) The Collector/Deputy Commissioner,.....

Subject : *Determination of irrigated areas in connection with fixation of ceiling area and reassessment of revenue under the provisions of West Bengal Land Reforms Act.*

In order (i) to determine the area of agricultural land that a riyat can retain under section 14M of the West

Bengal Land Reforms Act, (ii) to determine the question of exemption from land revenue and (iii) to reassess revenue under section 23B *ibid* the important point for consideration is whether the land is situated within an irrigated area or non-irrigated area.

2. Clause (d) of section 14K *ibid* defines the irrigated area. Clause (b) of Explanation to section 23B(1) lays down that the expression "irrigated area" shall have the same meaning as in clause (d) of section 14K.

3. Section 14N(I) lays down that if any question arises as to whether any land is or is not within an irrigated area, such question shall be determined by the prescribed authority in such manner as may be prescribed. Now in determining whether any land is or is not situated within an irrigated area, the prescribed authority shall stick to the definition of irrigated area given in section 14K(d). In other words what he has to decide after enquiry in terms of rule 14B(2) of the West Bengal Land Reforms Rules is whether or not the land falls within the irrigated area specified as such by Government notification irrespective of the fact whether the land has or has not got irrigation water in a particular year or in the year under enquiry.

4. As regards exemption from revenue or reassessment of revenue under section 23B also, the *Revenue Officer* will follow the same principle in ascertaining the question whether the land is situated in an irrigated area or not as envisaged above. If, however, the Collector is satisfied that any land within an irrigated area as determined by the Revenue Officer applying the above principle, has not received irrigation or crops have been damaged by excess water during any *particular year*, he may by order direct assessment of land revenue for *that year* only to be made as if the land is included in a non-irrigated area [vide proviso to clause (b) of section 23B(1)].

5. In view of the above, the instructions contained in paragraph 4 of Board's Memo. No. 595(15)-G.E., dated 12th January 1973 and Memo. No. 22661(17)-G.E., dated 31st December 1976, stand modified.

6. All concerned may please be instructed accordingly.

J. R. SAHA,
Secretary.

Board of Revenue, West Bengal.

Memo. No. 13471/1(122)-G.E.

Copy forwarded to the—

- (1) Land Utilisation and Reforms and Land and Land Revenue Department,
- (2) Commissioner, ————— Division —————,
- (3) Additional District Magistrate (Land Reforms)/
Additional Deputy Commissioner (Land Reforms), —————
- (4) Subdivisional Officer, —————

- (5) Subdivisional Land Reforms Officer, —————
- (6) Chief Engineer, Agriculture Engineering Directorate, Government of West Bengal,
- (7) Engineer-in-charge and Ex-officio Secretary, Irrigation and Waterways Department,

for information.

J. R. SAHA,
Secretary.

Board of Revenue, West Bengal.

Calcutta,
The 21st July 1978.

GOVERNMENT OF WEST BENGAL

Office of the Board of Revenue, West Bengal

Section A (I), G. E. Branch

No. 15887-G.E./698/78, dated Calcutta, the 4th
September 1978

To—The Director of Land Records and Surveys,
West Bengal.

Subject : *Exercise of discretionary power by the Revenue Officer to keep the incidence of vesting of part plots to the minimum.*

It has come to the notice of the Board that difficulties are being experienced in distributing lands which have vested as part plots. The areas of such part plots are mostly very small; besides, these are not demarcated in the field. As a result, prospective allottees do not show any interest in taking settlement of these lands due to uncertainty of profitable utilisation thereof.

2. There was no provision in the West Bengal Estates Acquisition Act to prevent the intermediaries from offering undemarcated portions of plots for vesting. This had resulted in vesting of quite a large number of part plots, distribution or otherwise utilisation of which by Government has posed a problem. Necessary provisions have, however, been made in the West Bengal Land Reforms Act to keep the incidence of vesting of part plots to the minimum.

3. Proviso to sub-section (3) of section 14T of the West Bengal Land Reforms Act envisages that a Revenue Officer while disposing of return submitted under sub-section (1) or (2) of the said section may, at his discretion, disregard the choice exercised by the raiyat where portions of more than one plot are offered for vesting. Holdings of raiyats very often comprise of part plots which are entered in the settlement records-of-rights as portions of the areas of the entire plots. The raiyats in such cases will have a tendency to offer such part plots for vesting.

4. All the Revenue Officers acting under sub-section (3) of section 14T of West Bengal Land Reforms Act should, therefore, be advised to exercise their discretion very carefully so that more than one partplot of a raiyat does not vest. In course of disposal of the returns for determination of the extent of land which should vest under section 14S, the Revenue Officer should make a careful assessment of the total area of

land held by the raiyat, the area opted for retention and the area offered for vesting and determine the extent of land liable to vest in the State in such a way that a raiyat is allowed to offer for vesting not more than one part plot.

5. It is emphasised that the intention behind insertion of this proviso should be carefully explained to all the Revenue Officers concerned and they should be asked to exercise the discretion enjoined in the proviso strictly in accordance with such legislative intention.

A. K. CHAKRABORTI,
Special Officer and Ex-officio Secretary,
Board of Revenue, West Bengal.

Memo. No. 15887/1(29)-G.E.

Copy forwarded to the—

- (1) Commissioner, _____ Division, _____,
- (2) Settlement Officer, _____,
- (3) Additional District Magistrate (Land Reforms)/
Additional Deputy Commissioner (Land Reforms), _____

for information and necessary action.

A. K. CHAKRABORTI,
Special Officer and Ex-officio Secretary,
Board of Revenue, West Bengal.

Calcutta,
the 4th September 1978.

GOVERNMENT OF WEST BENGAL

Office of the Board of Revenue, West Bengal

Section A (I), G. E. Branch

No. 16602-G.E./424/78, dated Calcutta, the 16th
September 1978

To—The Additional District Magistrate (Land Reforms),
Nadia.

Subject : Authority of allottees of vested lands for
cutting down trees stand on land allotted to them
on raiyati basis.

Reference : His Memo. No. 4409-L.R., dated 25th
May 1978.

The undersigned is directed to inform him that there
is nothing in law which requires an allottee of vested
land to obtain permission for felling of isolated trees.

A. K. CHAKRABORTI,
Special Officer and Ex-officio Secretary,
Board of Revenue, West Bengal.

Memo. No. 16602/1(20)-G.E.

Copy forwarded to the—

- (1) Additional District Magistrate (Land Reforms),
- (2) Additional Deputy Commissioner (Land Reforms), _____,
- (3) Commissioner, _____ Division, _____

for information.

A. K. CHAKRABORTI,
Special Officer and Ex-officio Secretary,
Board of Revenue, West Bengal.

Calcutta,
The 16th September 1978.

LAND REFORMS 6/79

GOVERNMENT OF WEST BENGAL

Office of the Board of Revenue, West Bengal

Section A(I), G.E. Branch

No. 8724(18)-G.E., dated Calcutta, the 13th July 1979

To—The Additional District Magistrate/The Additional
Deputy Commissioner (Land Reforms),.....

Subject : Determination of land revenue under the
amended section 23B of the West Bengal
Land Reforms Act.

1. It has come to the notice of the Board that in some areas determination of revenue payable by the raiyats and realisation thereof are not being made strictly according to the provisions of section 23B of the Land Reforms Act as it stands after the amendment in 1977. A copy of the amended section is enclosed. The salient features of the section are as follows :

- (a) With effect from the 1st day of Baisakh 1385 B.S. the holding of a raiyat on family basis not exceeding 1.610 hectares (four acres) in irrigated area or 2.428 hectares (six acres) in non-irrigated area shall be exempted from payment of land revenue.
- (b) Where the land of a raiyat is situated in both irrigated and non-irrigated areas, one hectare land in irrigated area should be deemed to be equivalent to 1.5 hectares in non-irrigated area for the purpose of determining exemption as above.
- (c) With effect from the 1st day of Baisakh 1385 B.S. the revenue payable by a raiyat who would not qualify for exemption will be at the rate prevailing immediately prior to the 1st day of Baisakh 1376 B.S. if the land is situated in non-irrigated area and at $1\frac{1}{2}$ times of such rate where the land is situated in irrigated area.
- (d) If the Collector is satisfied that any land within irrigated area has not received irrigation water or the crops have damaged by excess water during any particular year, he may by order direct that assessment of revenue of such land

for the year should be as if the land is situated in a non-irrigated area.

(e) A raiyat shall not be entitled to exemption if as a result of transfer or partition made after the 1st day of Baisakh 1384 B.S. the total area of his land is reduced to 1,619 hectares (four acres) in irrigated area or 2,428 hectares (six acres) in non-irrigated area or less.

(f) A raiyat owning four hectares or more of land in one mauza—irrespective of whether such land is situated in irrigated or non-irrigated area—shall be liable to pay, in addition to the revenue payable by him, a surcharge at the rate of 10 per cent. of the revenue payable by him with effect from the 1st day of Baisakh 1379 B.S. This surcharge would be payable only for four hectares or more of land situated in a single mauza and not on the total land of the raiyat.

2.0. The following example is given to illustrate exemption from land revenue, determination of land revenue and surcharge thereon :—

2.1. A raiyat owns on family basis 2.50 acres of non-irrigated lands in mauza Rampur. The revenue payable for these lands before 1376 B.S. was Rs. 12.50. The raiyat also owns 11 acres of irrigated lands in mauza Shyampur. The revenue payable for these lands before 1376 B.S. was Rs. 82.50.

Determination of exemption

2.2. For the purpose of exemption 11.00 acres of irrigated land will be equivalent to $(11.00 \times 1\frac{1}{2}) = 16.50$ acres of non-irrigated land. Therefore, the total non-irrigated land comes to $(2.50 + 16.50) = 19.00$ acres. As this exceeds the ceiling limit of six acres of non-irrigated land, the raiyat will not get any exemption.

2.3. The revenue payable by the raiyat for 2.50 acres of non-irrigated land will remain unchanged. The revenue payable for 11.00 acres of irrigated land will be $(Rs. 82.50 \times 1\frac{1}{2}) = Rs. 143.75$. Therefore, the total revenue payable by the raiyat with effect from 1st Baisakh 1385 B.S. will be $(Rs. 12.50 + 143.75) = Rs. 156.25$.

Determination of surcharge

2.4. The raiyat holds 11.00 acres of land in a single mauza Shyampur. As this is more than the limit of four hectares, the raiyat is liable to pay surcharge. The surcharge payable with effect from 1st Baisakh 1385 B.S. will be 10 per cent. of Rs. 143.75 = Rs. 14.37.

2.5. The surcharge payable for the period from 1379 B.S. to 1384 B.S. will be 10 per cent. of the revenue payable in that period. 11.00 acres of lands in mauza Shyampur being irrigated, the revenue payable for the lands in the period was $(Rs. 82.50 \times 3) = Rs. 247.50$. So the surcharge payable per year for that period would be 10 per cent. of Rs. 247.50 = Rs. 24.75.

3. It should be remembered that all raiyats, whether exemptees or non-exemptees, are liable to pay cesses for their holdings.

4. Particular care should be taken to see that non-agricultural lands forming part of the holdings of raiyats are not taken into account in determining

exemption, revenue payable and surcharge. In the areas where revisional settlement under section 51 of the Land Reforms Act has been taken up, the non-agricultural lands comprised in the agricultural holdings of raiyats have already been split up and recorded in separate Khatians. In other areas, however, the non-agricultural lands still continue to be included in the agricultural holdings. Therefore, particular care should be taken to see that the non-agricultural lands are properly segregated, revenue thereof calculated pro rata on the basis of area. Such non-agricultural lands should be kept outside the purview of section 23B.

5. It is requested that the instructions above are clearly explained to all the field level officers, particularly to the Tahsildars so that revenue and surcharge, etc., payable under the amended section of 23B are properly determined and collected.

A. K. CHAKRABORTI,
Special Officer and Ex-officio
Secretary,
Board of Revenue, West Bengal.

Memo. No. 8724/1(396)-G.E.

Copy forwarded to the—

- (i) Commissioner,.....Division,.....
- (ii) Director of Land Reforms and Surveys, West Bengal,
- (iii) Collector/Deputy Commissioner,.....
- (iv) Settlement Officer,.....
(with extra copies for Charge Officers and S.R.O.s-II),
- (v) Subdivisional Officer,.....
(with extra copies for Subdivisional Land Reforms Officers and Junior Land Reforms Officers and Extension Officers of Panchayat Samitis),
- (vi) Panchayat Department,
- (vii) Land Utilisation and Reforms and Land and Land Revenue Department,

for information.

A. K. CHAKRABORTI,
Special Officer and Ex-officio
Secretary,
Board of Revenue, West Bengal.

Calcutta,
The 13th July 1979.

The West Bengal Land Reforms Act, 1955

Section 23B as amended in 1977

23B. (1) Notwithstanding anything contained in this Chapter,—

- (a) Where on an application made by a raiyat or otherwise, the Revenue Officer makes an order that the total area of land held by a raiyat within his holding or holdings does not exceed 1.619 hectares in irrigated area or 2,428 hectares in non-irrigated area, the

raiyat shall be exempted from paying revenue in respect of his holding or holdings with effect from the 1st day of Baisakh 1385 B.S. :

Provided that such exemption shall not affect the liability of the raiyat to pay any cess imposed on him under the Cess Act, 1880, or the Bengal (Rural) Primary Education Act, 1930, or any other law for the time being in force on the basis of the present revenue of his holding or holdings :

Provided further that a raiyat shall not be entitled to exemption from paying revenue under this section if as a result of transfer or partition made after the 1st day of Baisakh 1384 B.S., the total area of his land is reduced to 1.619 hectares in irrigated area or 2.428 hectares in non-irrigated area or less.

Explanation—The expression “land held by a raiyat within his holding or holdings” shall mean where there are more than one raiyat in a family, the aggregate area of lands held by all such raiyats ;

- (aa) Where the land held by a raiyat within his holding or holdings is situated in both irrigated and non-irrigated areas, one hectare of land in irrigated area shall, for the purpose of clause (a), be deemed to be equivalent to 1.5 hectares in non-irrigated area ;
- (b) Subject to the provisions contained in clauses (a) and (aa), the revenue payable by a raiyat in respect of his holding or holdings shall, with effect from the 1st day of Baisakh 1385 B.S. be at the rate of the present revenue if the land included in the holding or holdings is situated in a non-irrigated area and at one and half times of such rate if such land is situated in an irrigated area :

Provided that if the Collector is satisfied that any land within an irrigated area has not received irrigation water or the crops have been damaged by excess water during any particular year, he may, by order, direct assessment of land revenue of such land for that year to be made as if the land is included in a non-irrigated area ;

- (c) If the total area of land held by a raiyat in respect of his holding or holdings is four hectares or more in one mauza, he shall, with effect from the first day of Baisakh 1379 B.S., pay, in addition to the revenue payable by him for such land, a surcharge at the rate of ten per cent. of such revenue ;
- (d) If any amount already paid by a raiyat is in excess of the revenue payable by him under this section, the same shall be refunded to him, but if there is any deficiency in such payment the same shall be recovered from him as an arrear of revenue under the Bengal Public Demands Recovery Act, 1913, without any claim for interest being made upon the same.

Explanation.—For the purpose of this section,—

- (a) the term “family” in relation to a raiyat shall be deemed to consist of himself, his wife, minor sons and unmarried daughters, if any ;
- (b) the expression “irrigated area” shall have the same meaning as in clause (d) of section 14K ; and
- (c) the expression “present revenue” in relation to any holding means the amount of revenue payable by a raiyat in respect of such holding immediately before the commencement of the West Bengal Land Reforms (Second Amendment) Act, 1969.

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

(3) The order made by the appellate authority under sub-section (2) shall be final.

পশ্চিমবঙ্গ সরকার

রাজস্ব পর্ষদ, পশ্চিমবঙ্গ

নং ৮৭২৪ (১৮) জি ই, ১৩ই জুলাই ১৯৭৯

অপর জেলা সমাহর্তা (ভূমি-সংস্কার)

বিষয়: পশ্চিমবঙ্গ ভূমি-সংস্কার আইনের সংশোধিত ২৩বি ধারা অনুযায়ী ভূমি-রাজস্ব নির্ধারণ

কোনও কোনও জায়গায় পশ্চিমবঙ্গ ভূমি-সংস্কার (সংশোধন) আইন, ১৯৭৭ দ্বারা সংশোধিত ২৩বি ধারা অনুসারে রাজস্ব সঠিকভাবে নির্ধারণপূর্বক আদায় হইতেছে না, এই মর্মে পর্ষদের দৃষ্টি আকর্ষণ করা হইয়াছে। সংশোধিত ২৩বি ধারার একটি অনুলিপি সমিবেশ করা হইল। উক্ত ধারার প্রধান বৈশিষ্ট্যগুলি হইল:

- (ক) রায়তের পরিবারভিত্তিক জমির পরিমাণ সেচ-সেবিত এলাকায় ১'৬১৯ হেক্টর (চার একর) বা অসেচ-সেবিত এলাকায় ২'৪২৮ হেক্টর (ছয় একর) পর্যন্ত থাকিলে ১৩৮৫ সালের ১লা বৈশাখ হইতে সেই রায়তকে ভূমি-রাজস্ব দিতে হইবে না।
- (খ) যেসকল রায়তের সেচ-সেবিত এবং অসেচ-সেবিত উভয় এলাকাতেই জমি রহিয়াছে, তাহাদের ক্ষেত্রে রাজস্বের ছাড় নির্ধারণ করিবার জন্য সেচ-সেবিত এলাকার এক হেক্টর জমি অসেচ-সেবিত এলাকার ১'৫০ হেক্টর জমির সমতুল্য বলিয়া গণ্য করিতে হইবে।
- (গ) যেসকল রায়ত ছাড় পাইবেন না তাহাদের ক্ষেত্রে ১৩৮৫ সালের ১লা বৈশাখ হইতে দেয় রাজস্ব

(১) অসেচ-সেবিত এলাকার জমির ক্ষেত্রে ১৩৭৬ সালের ১লা বৈশাখের পূর্বে উক্ত জমির জন্য যে হারে রাজস্ব দেয় ছিল সেই হারে।

(২) সেচ-সেবিত এলাকার জমির ক্ষেত্রে ১৩৭৬ সালের ১লা বৈশাখের পূর্বে উক্ত জমির জন্য দেয় রাজস্বের দেড়গুণ হারে।

(ঘ) যদি জেলা সমাহর্তা মনে করেন যে কোনও নির্দিষ্ট বৎসরে, সেচ-সেবিত এলাকার কোনও জমি সেচের জন্য জল পায় নাই বা অতিরিক্ত জলের জন্য সেই জমির ফসল নষ্ট হইয়া গিয়াছে, তাহা হইলে তিনি এই মর্মে আদেশ দিতে পারেন যে, সেই নির্দিষ্ট বৎসরের জন্য ঐ জমি অসেচ-সেবিত এলাকায় অবস্থিত বলিয়া গণ্য করিয়া উহার রাজস্ব নির্ধারণ করিতে হইবে।

(ঙ) ১৩৮৪ সালের ১লা বৈশাখের পর হস্তান্তর বা বাঁটোয়ারার ফলে কোনও রায়তের সম্পূর্ণ জমির পরিমাণ সেচ-সেবিত এলাকার ক্ষেত্রে ১'৬১৯ হেক্টর (চার একর) বা উহার কম কিংবা অসেচ-সেবিত এলাকার ক্ষেত্রে ২'৪২৮ হেক্টর (ছয় একর) বা উহার কম হইয়া গেলেও সেই রায়ত রাজস্বের ছাড়ের জন্য বিবেচিত হইবেন না।

(চ) কোনও রায়তের একই মৌজায় চার হেক্টর অথবা তাহার বেশি জমি থাকিলে সেই জমি সেচ-সেবিত অথবা অসেচ-সেবিত যেকোনও এলাকাতেই হউক না কেন, ঐ রায়তকে ১৩৭৯ সালের ১লা বৈশাখ হইতে উক্ত জমির জন্য রাজস্বের উপরে সারচার্জ দিতে হইবে। সারচার্জের হার হইবে দেয় রাজস্বের শতকরা ১০ ভাগ। রায়তের অন্যান্য মৌজায় জমি থাকিলে যে যে মৌজায় চার হেক্টর বা তার বেশি জমি আছে একমাত্র সেই সেই মৌজার জমির জন্য সারচার্জ দিতে হইবে।

২। ছাড়, দেয় রাজস্ব এবং সারচার্জ কিভাবে নির্ধারণ করিতে হইবে তাহা বুঝাইবার জন্য নিম্নের উদাহরণটি দেওয়া হইল:

একজন রায়তের একটি অসেচ-সেবিত মৌজা রামপুরে ২'৫০ একর পরিবারভিত্তিক জমি আছে। ঐ জমির জন্য ১৩৭৬ সালের পূর্বে দেয় রাজস্ব ছিল ১২'৫০ (বার টাকা পঞ্চাশ পয়সা)। আবার ঐ রায়তের অন্য একটি সেচ-সেবিত মৌজা শ্যামপুরে ১১'০০ একর পরিবারভিত্তিক জমি আছে। ঐ জমির জন্য ১৯৭৬ সালের পূর্বে দেয় রাজস্ব ছিল ৮২'৫০ (বিশি টাকা পঞ্চাশ পয়সা)।

ছাড় নির্ধারণ

ছাড়ের প্রমাণ নির্ধারণের জন্য সেচ-সেবিত মৌজার ১১ একর জমি অসেচ-সেবিত এলাকার (১১'০০×১'৫০)=১৬'৫০ একরের সমতুল্য হইবে। সুতরাং রায়তের মোট অসেচ-সেবিত এলাকার জমির পরিমাণ হইল (২'৫০+১৬'৫০)= ১৯'০০ একর। যেহেতু ইহা উর্দ্ধসীমা ছয় একরের বেশি সেহেতু রায়ত কোন রাজস্বের ছাড় পাইবেন না।

রাজস্ব নির্ধারণ

অসেচ-সেবিত মৌজার ২'৫০ একর জমির দেয় রাজস্ব ১৩৭৬ সালের পূর্বে যাহা ছিল ১৩৮৫ সালের ১লা বৈশাখের পর তাহাই থাকিবে। অর্থাৎ উহা টা: ১২'৫০ হইবে। সেচ-সেবিত মৌজার ১১'০০ একর জমির রাজস্ব হইবে (৮২'৫০ ১৬'৫০) = টা: ৯৯'০০। সুতরাং ১৩৮৫ সালের ১লা বৈশাখ হইতে উক্ত রায়তের মোট দেয় রাজস্ব হইবে (১২'৫০+৯৯'০০) = টা: ১১১'৫০।

সারচার্জ নির্ধারণ

একমাত্র মৌজা শ্যামপুরেই রায়তের ১১.০০ একর জমি আছে। যেহেতু এই জমির পরিমাণ চার হেক্টরের বেশি, সেহেতু রায়তকে এই জমির জন্য রাজস্বের উপরেও সারচার্জ দিতে হইবে এবং সারচার্জের পরিমাণ হইবে টা: ১৪৩.৭৫-এর ১০ শতাংশ, অর্থাৎ টা: ১৪'৩৭। রামপুর মৌজার জমির জন্য কোনও সারচার্জ দিতে হইবে না, কারণ জমির পরিমাণ (২'৫০ একর) যাহা নিম্নসীমা চার হেক্টরের কম।

[১৩৭৯ সাল পর্যন্ত ১৩৮৪ সাল হইতে দেয় সারচার্জ হইবে সেই সময় দেয় রাজস্বের শতকরা ১০ ভাগ হারে। সেচ-সেবিত এলাকা শ্যামপুর মৌজায় ১১'০০ একর জমির জন্য সেই সময়ে দেয় রাজস্ব ছিল টা: ৮২'৫০×১০=টা ২৪৭'৫০। সুতরাং ঐ রায়তের সেই সময় বাৎসরিক সারচার্জ ছিল টা: ২৪৭'৫০-এর শতকরা ১০ ভাগ অর্থাৎ টা ২৪'৭৫।]

৩। স্মরণ রাখিতে হইবে প্রত্যেক রায়তকেই, তিনি রাজস্ব ছাড় পান বা নাই পান, তাহার জমির জন্য সেস অবশ্যই দিতে হইবে।

৪। ছাড়, রাজস্ব ও সারচার্জ নির্ধারণের ব্যাপারে রায়তের অকৃষি জমি যেন কোনকমেই হিসাবে না আনা হয় এই বিষয়ে, সতর্ক দৃষ্টি রাখিতে হইবে। যেসমস্ত এলাকায় ভূমি-সংস্কার আইনের ৫১ ধারা মতে স্বত্বনিখনের কাজ চলিতেছে, সেই সমস্ত এলাকায় রায়তের একই খতিয়ানভুক্ত মোট জমি হইতে অকৃষি জমি আলাদা করিয়া ভিন্ন খতিয়ানে ভুক্ত করা হইয়াছে। অন্যান্য এলাকায় অবশ্য কৃষি এবং অকৃষি জমি একই খতিয়ানভুক্ত রাখিয়াছে। এক্ষেত্রেই সতর্ক দৃষ্টি রাখিতে হইবে যাহাতে উর্ভয় শ্রেণীর জমির জন্য দেয় রাজস্ব মোট জমির পরিমাণের হারাহারি নির্ধারিত হয় এবং অকৃষি জমি ২৩বি ধারামতে ছাড়, রাজস্ব ও সারচার্জ নির্ধারণের ক্ষেত্রে কোন হিসাবে না আনা হয়।

৫। অনুরোধ করা যাইতেছে যে, উপরোক্ত নির্দেশাবলি যেন প্রতিটি সংশ্লিষ্ট কর্মচারী বিশেষ করিয়া তহশীলদারদের সম্যকরূপে বুঝাইয়া দেওয়া হয় যাহাতে আইন অনুসারে দেয় রাজস্ব স্বাভাবিকভাবে নির্ধারিত ও আদায় হয়।

অমল চক্রবর্তী,

বিশেষ আধিকারিক ও প্রাধিকারিক সচিব,
রাজস্ব পর্যদ, পশ্চিমবঙ্গ।

CHAPTER II

GOVERNMENT OF WEST BENGAL

Office of the Board of Revenue, West Bengal

No. 893-G.E., dated Calcutta, the 24th January 1978

In supersession of all previous orders issued in this behalf, it has been decided by the Board of Revenue that until further orders the Land Reforms Advisory Committee at block level as envisaged in sub-rule (3a) of rule 20A of the West Bengal Land Reforms Rules, 1965, will be as follows :

- (1) Representatives of the Left Front—members ;
 - (2) One representative from each of other recognised political parties, viz., Congress, Janata and C.P.I.—members ;
 - (3) Local M.L.A. or his representative—member ;
 - (4) One Government nominee—member ;
 - (5) Block Development Officer—member ;
 - (6) Junior Land Reforms Officer—member-convenor ;
 - (7) An officer of the Food Department—member ;
and
 - (8) A representative of the Directorate of Land Records and Surveys—member.
2. The Committee will select its own Chairman for each sitting.

S. K. MUKERJEE,
Member,
Board of Revenue, West Bengal

Memo No 894(473) - G.E.

Copy forwarded to the—

- (1) Chief Secretary to the Government of West Bengal,
 - (2) Commissioners of Divisions,
 - (3) Director of Land Records and Surveys, West Bengal,
 - (4) District Officers,
 - (5) Deputy Secretary, Land Utilisation and Reforms and Land and Land Revenue Department,
 - (6) Additional District Magistrates (Land Revenue),
 - (7) Subdivisional Officers,
 - (8) Subdivisional Land Reforms Officers,
 - (9) Junior Land Reforms Officers,
 - (10) Private Secretary to the Minister-in-charge,
 - (11) Private Secretary to the Chief Minister, West Bengal,
 - (12) Secretary, Food and Supplies Department,
- for information.

J. R. SAHA,
Secretary,
*Board of Revenue, West Bengal**

Calcutta,
The 24th January 1978.

GOVERNMENT OF WEST BENGAL

Office of the Board of Revenue, West Bengal Section A, G.E. Branch

No. 18059-G.E., dated Calcutta, the 1st November 1978

In supersession of Board's order No. 893-G.E., dated 24th January 1978, in so far as it relates to the districts other than Murshidabad and Midnapore, it has been decided by the Board of Revenue that Panchayat Samiti as constituted under section 94 of the West Bengal Panchayat Act, 1973, shall function with immediate effect as the Land Reforms Advisory Committee at block level as envisaged in sub-rule (3a) of rule 20A of the West Bengal Land Reforms Rules, 1965.

D. BANDYOPADHYAY,
Land Reforms Commissioner
and Additional Member,
Board of Revenue, West Bengal

Memo. No. 18060(496)-G.E.

Copy forwarded to the—

- (1) Chief Secretary to the Government of West Bengal,
- (2) Commissioner,.....Division,.....
- (3) Director of Land Records and Surveys, West Bengal,
- (4) District Officer,.....
- (5) Deputy Secretary, Land Utilisation and Reforms and Land and Land Revenue Department,
- (6) Additional District Magistrate (Land Reforms),
- (7) Settlement Officer,.....
- (8) Charge Officer,.....
- (9) Subdivisional Officer,
- (10) Subdivisional Land Reforms Officer,
- (11) Junior Land Reforms Officer,
- (12) Private Secretary to the Minister-in-Charge,
- (13) Private Secretary to the Chief Minister, West Bengal,
- (14) Secretary, Food and Supplies Department,
- (15) Secretary, Panchayat Department,

for information.

J. R. SAHA,
Secretary,
Board of Revenue, West Bengal.

Calcutta,
The 3rd November 1978.

GOVERNMENT OF WEST BENGAL

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

No. 333-G.E./842/78, dated Calcutta, the 10th January 1979.

In supersession of the Board's order Nos. 18059-G.E. dated 1st November 1978 and 18471-G.E., dated 11th November 1978, the Board of Revenue, in view of the Panchayat Department notification No. 25352-AZ,P dated 8th November 1978, is pleased to lay down that—

- (a) Panchayat Samitis as constituted under section 94 of the West Bengal Panchayat Act, 1973 (West Bengal Act XLI of 1973), are to perform the functions of the Land Reforms Advisory Committees at block level as envisaged in sub-rule (3a) of rule 20A of the West Bengal Land Reforms Rules, 1965 ;

- (b) The Land Reforms Advisory Committees at block level as constituted under Board's order No. 893-G.E., dated 24th January 1978, shall, however, continue to function in the following areas :—
- (i) where provisions of the West Bengal Panchayat Act, 1973, do not apply, and
- (ii) where Panchayat Samitis have not yet been duly constituted due to any reason whatsoever ;
- (c) in areas specified in sub-clause (ii) of clause (b), the Panchayat Samitis as and when duly constituted, shall function as the Land Reforms Advisory Committees at block level and thereupon the Land Reforms Advisory Committees at block level constituted under Board's order No. 893-G.E., dated 24th January 1978, shall stand superseded in respect of such areas.

D. BANDYOPADHYAY,
*Land Reforms Commissioner and Additional Member
Board of Revenue, West Bengal.*

Memo. No. 334 (185)-G.E.

Copy forwarded to the—

- (1) Chief Secretary to the Government of West Bengal,
- (2) Secretary, Panchayat Department,
- (3) Secretary, Food and Supplies Department,
- (4) Commissioner, _____ Division, _____,
- (5) Director of Land Records and Surveys, West Bengal,
- (6) District Magistrate/Deputy Commissioner, _____,
- (7) Deputy Secretary, Land Utilisation and Reforms and Land and Land Revenue Department,
- (8) Additional District Magistrate (Land Revenue)/ Additional Deputy Commissioner (Land Revenue).....(sufficient spare copies enclosed for distribution amongst the Junior Land Reforms Officers,
- (9) Settlement Officer,.....,
- (10) Settlement Charge Officer,.....
- (11) Subdivisional Officer,.....,
- (12) Private Secretary to Chief Minister, West Bengal,
- (13) Private Secretary to the Minister-in-charge, Land Utilisation and Reforms and Land and Land Revenue Department,
- (14) Private Secretary to the Minister-in-charge, Panchayat Department,
- (15) District Land Reforms Officer,.....
- (16) Subdivisional Land Reforms Officer,.....

for information.

J. R. SAHA,
*Secretary,
Board of Revenue, West Bengal*

Calcutta.
The 10th January 1979.

GOVERNMENT OF WEST BENGAL

Office of the Board of Revenue, West Bengal

Section A (I), G. E. Branch

No. 1726(15)-G.E./842/78, dated Calcutta, the 14th
February 1979

To—The District Magistrate/Deputy Commissioner,
.....

A reference is invited to notification No. 25352-A & P, dated the 8th November 1978, issued by the Department of Panchayat, Government of West Bengal and Board's order No. 333-G.E., dated the 9th January 1979, laying down that the Panchayat Samitis as constituted under section 94 of the West Bengal Panchayat Act, 1973, shall perform the functions of the Land Reforms Advisory Committees at the block level as envisaged in sub-rule (3a) of rule 20A of the West Bengal Land Reforms Rules, 1965. Steps are being taken by the Panchayat Department to constitute "Unnayan, Parikalpana O Bhumi Sanskar Sthayee Samitis" to look after matters relating to land.

The question how the Panchayat Samitis can now effectively function as Block Level Land Reforms Advisory Committees was referred to the Panchayat Department. Their views in this regard are reproduced below for necessary action from his end.

The Panchayat Department have already issued a circular advising all the Zilla Parishads and Panchayat Samitis of the State to adopt resolutions expressing their desire to have an additional Sthayee Samiti, namely, Unnayan, Parikalpana O Bhumi Sanskar Sthayee Samiti in their Parishads. About 50 per cent. of the Zilla Parishads and Panchayat Samitis have already expressed such desire. Steps are now being taken by the Panchayat Department to accord approval of the State Government in the matter and direct the Parishads to constitute the Sthayee Samiti after necessary election. The Panchayat Samitis by a Government order have been asked to function as the Block Level Land Reforms Advisory Committee. Till the Unnayan, Parikalpana O Bhumi Sanskar Sthayee Samiti is formally constituted the whole Panchayat Samiti or any sub-committee appointed, for the purpose, by the Panchayat Samiti in a meeting may without any legal difficulty, function as the Block Level Land Reforms Advisory Committee of Dubrajpur Panchayat Samiti had been constituted in a meeting of Panchayat Samiti. In that case, the Committee will have no difficulty to function.

A. K. CHAKRABORTI,
*Special Officer and Ex-officio Secretary,
Board of Revenue, West Bengal.*

Memo. No. 1726/1(165)-G.E.

Copy forwarded to the

- (1) Chief Secretary, Government of West Bengal,
- (2) Secretary, Panchayat Department,
- (3) Commissioner, _____ Division, _____,
- (4) Secretary, Food and Supplies Department,

- (5) Director of Land Records and Surveys, West Bengal,
- (6) Deputy Secretary, Land Utilisation and Reforms and Land and Land Revenue Department,
- (7) Additional District Magistrate (Land Reforms)/ Additional Deputy Commissioner (Land Reforms),.....
(sufficient spare copies enclosed for distribution among the Junior Land Reforms Officers),
- (8) Settlement Officer,.....
- (9) Settlement Charge Officer,.....
- (10) Subdivisional Officer,.....
- (11) Subdivisional Land Reforms Officer,.....
- (12) Private Secretary to Chief Minister, West Bengal,
- (13) Private Secretary to the Minister-in-charge, Land and Land Revenue Department,
- (14) Private Secretary to the Minister-in-charge, Panchayat Department,
- (15) District Land Reforms Officer,.....

for information.

J. L. BASU
Assistant Secretary,
Board of Revenue, West Bengal.

Calcutta,
The 14th February 1979.

GOVERNMENT OF WEST BENGAL

Office of the Board of Revenue, West Bengal

Section 'A', G.E. Branch

No. 16050-G.E., dated Calcutta, the 7th December 1979

In supersession of Board's No. 333-G.E./842/78, dated 10th January 1979, the Board of Revenue is pleased to lay down that—

- (a) The "Unnayan, Parikalpana O Bhumi Sanskar Sthayee Samiti" of the Panchayat Samiti as and when constituted under clause (vii) of sub-section (1) of section 124 of the West Bengal Panchayat Act, 1973 (West Bengal Act XLI of 1973), is to perform the functions of the Land Reforms Advisory Committee at block level as envisaged in sub-rule (3a) of rule 20A of the West Bengal Land Reforms Rules, 1965.
- (b) The Panchayat Samiti will continue to function as the Land Reforms Advisory Committee at the block level where the "Unnayan, Parikalpana O Bhumi Sanskar Sthayee Samiti" has not yet been constituted till constitution of such Sthayee Samiti.
- (c) The Land Reforms Advisory Committee at block level as constituted under Board's order No. 893-G.E., dated 24th January 1978, shall continue to function in the areas where Panchayat Samitis have not yet been constituted till constitution of Panchayat Samitis.
- (d) The Land Reforms Advisory Committee at block level as constituted under Board's

order No. 893-G.E., dated 24th January 1978, shall also continue to function in the areas where provisions of the West Bengal Panchayat Act, 1973, do not apply.

D. BANDYOPADHYAY,
Land Reforms Commissioner and
Additional Members,
Board of Revenue, West Bengal.

Memo. No. 16051 (185)-G.E.

Copy forwarded to the—

- (1) Chief Secretary, Government of West Bengal,
- (2) Secretary, Panchayat Department,
- (3) Secretary, Food and Supplies Department,
- (4) Commissioner, ————Division, ————
- (5) Director of Land Records and Surveys, West Bengal,
- (6) District Magistrate/Deputy Commissioner, ————
- (7) Deputy Secretary, Land Utilisation and Reforms and Land and Land Revenue Department,
- (8) Additional District Magistrate (Land Reforms)/ Additional Deputy Commissioner (Land Reforms), ————
(with sufficient spare copies enclosed for distribution amongst the Junior Land Reforms Officers),
- (9) Settlement Officer, ————
- (10) Settlement Charge Officer, ————
- (11) Subdivisional Officer, ————
- (12) Private Secretary to Chief Minister, Government of West Bengal,
- (13) Private Secretary to the Minister-in-Charge, Land and Land Revenue Department,
- (14) District Land Reforms Officer, ————
- (15) Subdivisional Land Reforms Officer, ————

for information with reference to Board's Memo. No. 334 (185)-G.E., dated 10th January 1979.

A. K. CHAKRABORTI,
Special Officer and Ex-officio Secretary,
Board of Revenue, West Bengal.

Calcutta,
The 10th December .

GOVERNMENT OF WEST BENGAL

Office of the Board of Revenue, West Bengal

Section 'A', G. E. Branch

No. 4827-G.E./378/76, dated Calcutta, the 16th April 1977.

To—The Additional District Magistrate (Land Revenue),
Murshidabad.

Subject : *Annulment of settlement of vested land consequent upon divesting of such land.*

• Reference : *His Memo No. 1007-L.R./En., dated 9th February 1977.*

The issue relates to cancellation of settlement in cases where vested lands given in *raiya* settlement are subsequently found to have been vested irregularly and consequently divested.

2. The legal position, which has been endorsed by the law officers of Government, is discussed below :

As a result of divesting it ensues that Government had no right to give the land in settlement and in consequence the settlement, if made, is void *ab-initio*.

The Collector in such a case shall send an intimation to the allottee and others concerned about the fact of divesting of the land, take back the Patta and cancel it.

3. In this context it is enjoined that before cancellation of the Patta the affected eligible allottee must be given an alternative piece of land, more or less of the same quantum, and Patta for the freshly allotted land be handed over simultaneously with the cancellation of the impounded one.

4. This has reference to the instructions issued under Board's Memo. No. 1910/1(17)-G.E., dated 9th February 1977.

J. R. SAHA,
Secretary,

Board of Revenue, West Bengal.

Memo. No. 4827/1(16)-G.E.

Copy forwarded to the Additional District Magistrate (Land Revenue)/Additional Deputy Commissioner (Land Revenue),....., for information and guidance.

J. R. SAHA,
Secretary,
Calcutta,
The 16th April 1977. *Board of Revenue, West Bengal.*

Memo. No. 4827/2(3)-G.E.

Copy forwarded to the Commissioner,..... Division,....., for information in continuation of Board's Memo. No. 1910/2(3)-G.E., dated 9th February 1977.

J. R. SAHA,
Secretary,
Calcutta,
The 16th April 1977. *Board of Revenue, West Bengal*

GOVERNMENT OF WEST BENGAL

Office of the Board of Revenue, West Bengal

Section A(I), G. E. Branch

No. 13693(15)-G.E./549/78, dated Calcutta, the 26th July 1978.

To—The District Magistrate/Deputy Commissioner,
.....

Subject : *Review of cases of irregular distribution of vested lands*

In the Board of Revenue circular No. 1403(15)-G.E., dated 3rd February 1978, District Officers were requested to cause thorough enquiries into all cases of irregular distribution of vested land. It was enjoined that all previous distribution cases with necessary particulars should be displayed in the notice boards of Junior Land Reforms Officer's office for a period of 15 days for public inspection and scrutiny. It has been reported that in many cases aggrieved persons did not get adequate time to scrutinise the list and file objections. It is now decided that the list so prepared should be hung up again in the office of the Junior Land Reforms Officers for public inspection up to 31st August 1978. Objections are also to be filed within that time.

2. It has also been reported that objections received earlier have not been disposed of. Attempt should be made to dispose of pending objection cases by 31st of August 1978 and the fresh cases to be filed within 60 days of their filing objections received up to 31st August 1978 should be disposed of positively by 15th of November 1978.

3. There are cases of dispute on vested land where Patta has been issued to one person while some other person is in actual possession. These cases have to be sorted out with utmost speed to enable the really eligible person to cultivate the plot.

4. There might be cases where proceedings for annulment of Patta had been started, but could not be completed before the cultivation season. It is time that these cases are promptly disposed of and sources of friction eliminated.

5. All concerned may please be instructed accordingly.

(Sufficient spare copies are enclosed for distribution among the Junior Land Reforms Officers).

A. K. CHAKRABORTI,
Special Officer and Ex-officio Secretary,
Board of Revenue, West Bengal.

Memo. No. 13693/1(72)-G.E.

Copy forwarded for information and necessary action to the—

- (1) Commissioner....., Division,
- (2) Director of Land Records and Surveys, West Bengal,
- (3) Additional District Magistrate/Additional Deputy Commissioner,.....,
- (4) Subdivisional Land Reforms Officer,.....,

- (5) Land Utilisation and Reforms and Land and Land Revenue Department.

A. K. CHAKRABORTI,
Special Officer and Ex-officio Secretary,
Board of Revenue, West Bengal.

Calcutta,
The 26th July 1978

LAND REFORMS 5/79

GOVERNMENT OF WEST BENGAL

Office of the Board of Revenue, West Bengal

Section A(I), G. E. Branch

No. 7999(19)-G.E., dated Calcutta, the 27th June 1979

To—The Additional District Magistrate (Land Reforms/
Additional Deputy Commissioner (Land Reforms),
.....

Subject: *Review of cases of irregular distribution of vested lands.*

In Board of Revenue circular No. 1403(15)-G.E., dated 3rd February 1978, it was envisaged that lists of all previous distribution cases should be hung up in the notice board in the office of the Junior Land Reforms Officer to invite objections against irregular distribution, if any. In Board's subsequent Memo. No. 13693(15)-G.E., dated 26th July 1978, it was enjoined that all the objection cases should be disposed of by the 15th of November 1978 after due enquiry.

2. It has been represented before the Board that due to the intervening floods objections could not be filed against some cases of irregular distribution. After due consideration it has been decided that objections against irregular distribution may now be entertained only in those cases where the Unnayan, Parikalpana O Bhumi Sanskar Sthayee Samitis of the Panchayat Samitis recommend to the Junior Land Reforms Officer by passing a resolution that such cases should be reviewed. The resolution should include full particulars of the distribution cases recommended for review.

3. On receipt of such a resolution of the Junior Land Reforms Officer will cause enquiry into the cases. The Anchal Pradhan or the member(s) concerned of the Anchal Panchayat should be associated with the enquiry. The result of the enquiry should be placed before the Panchayat Samiti/Sub-Committee/Sthayee Samiti acting as Block Level Land Reforms Advisory Committee for their recommendation. The cases where annulment is recommended should be sent to the Sub-divisional Officer through the Sub-divisional Land Reforms Officer for orders of annulment.

4. Recommendations from the Sthayee Samitis for review as indicated in paragraph 3 should be entertained up to 31st August and dispose of by 30th September 1979.

All concerned may please be instructed accordingly.

A. K. CHAKRABORTI,
Special Officer and Ex-officio Secretary,
Board of Revenue, West Bengal.

Memo. No. 7999/1(70)-G.E.

Copy forwarded to—

- (1) Panchayat Department,
- (2) Commissioner,..... Division,.....,
- (3) Director of Land Records and Surveys, West Bengal,
- (4) District Magistrate/Deputy Commissioner,.....
- (5) Subdivisional Land Reforms Officer,.....,
- (6) Land Utilisation and Reforms and Land and Land Revenue Department,

for information.

A. K. CHAKRABORTI,
Special Officer and 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. 1729(18)-G.E./555/75, dated Calcutta, the 14th
February 1979

To—The Additional District Magistrate (Land Reforms)/
Additional Deputy Commissioner (Land Reforms),
.....

Subject: *Facilities for the families of service personnel—
settlement of land.*

A question has been raised whether in the matter of settlement of lands to the service personnel and their families as envisaged in Board's Memo. No. 2247(8)-G.E., dated 3rd February 1972, consultation with the Block Level Land Reforms Advisory Committees (now Panchayat Samitis) will be necessary or not.

It has been decided that the settlement of lands in such cases will be made by the Additional District Magistrates/Additional Deputy Commissioners (Land Reforms) in consultation with the District Soldiers', Sailors' and Airmen's Board and consultation with the Panchayat Samitis acting as Block Level Land Reforms Advisory Committees will not be necessary, as was already enjoined in Board's Memo. No. 21913(8)-G.E., dated 18th October 1972. The Panchayat Samitis concerned should, however, be kept informed of such allotment, as and when made.

(Sufficient spare copies enclosed for distribution among the Junior Land Reforms Officers.)

A. K. CHAKRABARTI,
Special Officer and Ex-officio Secretary,
Board of Revenue, West Bengal.

Memo. No. 1729/1(131)-G.E.

Copy forwarded to the—

- (1) Commissioner,.....Division,.....,
- (2) District Magistrate/Deputy Commissioner,....
.....
- (3) District Land Reforms Officer,.....,
- (4) Subdivisional Officer,.....,
- (5) Subdivisional Land Reforms Officer,,.....,

for information.

J. L. BASU,
Assistant Secretary,
Board of Revenue, West Bengal.

Calcutta,
The 14th February 1979.

LAND REFORMS 1/79

GOVERNMENT OF WEST BENGAL

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

No. 6225(18)-G.E./269/79, dated Calcutta, the 26th May
1979

To—The Additional District Magistrate (Land Reforms)/
Additional Deputy Commissioner (Land Reforms),
.....

Subject : *Preparation of lists of eligible persons and
distribution of vested agricultural lands.*

A reference is invited to paragraphs 2.4 and 2.5 of the operational decisions taken in the Workshop on Land Reforms held on 4th and 5th May 1979.

2. It was, inter alia, decided therein that district-wise time-bound programme should be drawn up for distribution of available vested agricultural lands.

3. It is expected that mauza-wise lists of eligible persons have already been prepared in many circles. Where such lists have not yet been prepared, those should be prepared in consultation with the members of the Panchayati Raj Institutions.

4. Lists of eligible persons should be placed before the Block Level Land Reforms Advisory Committee along with the mauza-wise statement of vested lands available for distribution for their recommendation according to the provisions of section 49 of the West Bengal Land Reforms Act read with the priority principles and subject to the conditions of distribution already fixed by the Board of Revenue. Those are reproduced below :

A—Priority

- (i) A landless person found to be in uninterrupted possession for a minimum period of three years.
- (ii) Landless agricultural workers who belongs to the Scheduled Tribes.
- (iii) Landless agricultural workers who belong to the Scheduled Castes.
- (iv) Landless agricultural workers other than the above.
- (v) Landless bargadars who belong to the Scheduled Tribes.
- (vi) Landless bargadars who belong to the Scheduled Castes.
- (vii) Landless bargadars other than the above.
- (viii) Landless persons who used to cultivate the lands in question as bargadars or agricultural workers under the previous owners.
- (ix) Raiyats who belong to the Scheduled Tribes and cultivate themselves.
- (x) Raiyats who belong to the Scheduled Castes and cultivate themselves.
- (xi) Raiyats who do not belong to Scheduled Tribes or Scheduled Castes and cultivate themselves.
- (xii) Ex-service personnel who are eligible under section 49 of the West Bengal Land Reforms Act but are not considered for allotment of land from the earmarked quota.

B—Conditions

- (i) A Raiyat or a bargadar who owns as a raiyat one acre or more of agricultural land shall not be ordinarily eligible for any further land.
 - (ii) A person who is not a national of India shall not be entitled to any land.
5. Should the Committee suggest any modification of the eligibility list such modification may be incorporated in the list provided it is in accordance with the provisions of section 49 of the Land Reforms Act.
 6. On receipt of the recommendations from the Block Level Land Reforms Advisory Committee the Junior Land Reforms Officer should send the settlement case records to the Subdivisional Officer through the Senior Land Reforms Officer for approval.
 7. On receipt of approval from the Subdivisional Officer the Junior Land Reforms Officer should proceed to make over physical possession and issue Patta to the allottees without loss of time.

8. Immediate action in the line indicated above should be taken so that distribution of available vested agricultural land may be made before the next sowing season.

(Sufficient spare copies are enclosed for distribution among the Junior Land Reforms Officers).

A. K. CHAKRABORTI,
Special Officer and Ex-officio Secretary,
Board of Revenue, West Bengal.

Memo. No. 6225/1(127)-G.E.

Copy forwarded to the—

- (1) Secretary, Panchayat Department,
- (2) Commissioner, _____ Division, _____,
- (3) District Magistrate/Deputy Commissioner, _____
- (4) Subdivisional Officer, _____,
- (5) Subdivisional Land Reforms Officer, _____,
- (6) Director of Land Records and Surveys, West Bengal,
- (7) Settlement Officer, _____,
- (8) Land Utilisation and Reforms and Land and Land Revenue Department,

for information.

A. K. CHAKRABORTI,
Special Officer and Ex-officio Secretary,
Board of Revenue, West Bengal.

Calcutta,
The 26th May 1979.

GOVERNMENT OF WEST BENGAL

Office of the Board of Revenue, West Bengal
Section A, G.E. Branch

No. 6681(94)-G.E., dated Calcutta, the 2nd June 1979

To—

- (1) The Director of Land Records and Surveys, West Bengal.
- (2) The Commissioner, _____ Division, _____,
- (3) The Additional District Magistrate (Land Reforms), _____,
- (4) The Settlement Officer, _____,
- (5) The Subdivisional Officer, _____,
- (6) The Settlement Charge Officer, _____.

Subject : Constitution of Sthayee Samitis on Unnayan, Parikalpana O Bhumi Sanskar of Zilla Parishads and Panchayat Samitis.

The undersigned is directed to send herewith copies of notifications No. 7682-AZP, dated 19th May 1979 and 7683-AZP, dated 19th May 1979, issued by the Panchayat Department for information and necessary action.

The Director of Land Records and Surveys, West Bengal, is requested to kindly instruct Settlement Officers to immediately nominate an S.R.O. II (or a Kanungo, as the case may be) for each "Unnayan,

Parikalpana O Bhumi Sanskar Sthayee Samiti" or Panchayat Samitis under intimation to the Sabhapati Panchayat Samitis concerned.

A. K. CHAKRABORTI,
Special Officer and Ex-officio Secretary,
Board of Revenue, West Bengal.

GOVERNMENT OF WEST BENGAL

Panchayat and Community Development (Panchayat) Department

No. 7682-AZP, dated Calcutta, the 19th May 1979

In exercise of the power conferred by clause (c) of sub-section (2) of section 124 of the West Bengal Panchayat Act, 1973 (West Bengal Act XLI of 1973), the Governor is pleased hereby to appoint the officers of the State Government having jurisdiction shown in the table below as members of the Sthayee Samiti of a Panchayat Samiti mentioned in that table.

Table

Unnayan, Parikalpana O Bhumi Sanskar Sthayee Samiti

- (1) Block Development Officer.
- (2) Junior Land Reforms Officer.
- (3) S.R.O. II; where there is no S.R.O. II one of the Kanungos of the Settlement Department.

Matsya O Pasupalan Sthayee Samiti

- (1) Extension Officer (Fisheries).
- (2) Veterinary Assistant Surgeon.

By order of the Governor.

N. R. HALDAR,

Joint Secretary to the Government of West Bengal.

GOVERNMENT OF WEST BENGAL

Panchayat and Community Development (Panchayat) Department

No. 7683-AZP, dated Calcutta, the 19th May 1979

In exercise of the power conferred by clause (c) of sub-section (2) of section 171 of the West Bengal Panchayat Act, 1973 (West Bengal Act XLI of 1973), the Governor is pleased hereby to appoint the officers of the State Government shown in the table below as members of the Sthayee Samiti of a Zilla Parishad mentioned in that table.

Table

Unnayan, Parikalpana O Bhumi Sanskar Sthayee Samiti

- (1) Additional District Magistrate (Land Reforms).
- (2) Settlement Officer (in charge of the district).
- (3) District Planning Officer.

Matsya O Pasupalan Sthayee Samiti

- (1) District Fishery Officer.
- (2) District Livestock Officer.
- (3) Superintendent, Veterinary Services.

By order of the Governor,

N. R. HALDAR,

Joint Secretary to the Government of West Bengal.

LAND REFORMS 4/79

GOVERNMENT OF WEST BENGAL

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

No. 7736(18)-G.E., dated Calcutta, the 21st June
1979

To--The Additional District Magistrate (Land Reforms),/
Additional Deputy Commissioner (Land Reforms)

Subject : *Distribution of vested agricultural lands not
taken up for distribution on the ground of
unsuitability for agriculture.*

A sizable quantity of vested agricultural land has not been offered for distribution under section 49 of the Land Reforms Act on the ground that those are unsuitable for agriculture. In some districts, however, such lands were offered for distribution and the allottees have accepted the same without any objection.

2. These lands were recorded as agricultural after necessary field verification during the last Revisional Settlement Operations conducted between 1955-58 and have vested as such. The period which has elapsed since then is not sufficiently long to change the character of the land from agriculture to non-agriculture. However, the character of some lands might have changed by this time due to natural causes like river action landslides, etc., and urbanisation. By and large, the character of the lands particularly in the rural areas is not likely to undergo such change as to render them, unsuitable for agriculture. Such lands, if allotted to land-hungry people are expected to be brought under cultivation by them with all efforts at their disposal including use of modern improved agricultural methods, wherever possible.

3. It has accordingly been decided such vested agricultural lands which have so far been kept undistributed should be taken up for distribution. Water areas and the like where cultivation is patently out of question may be kept apart from distribution.

4. If an allottee of such land wants to surrender his land on the ground that it is unfit for agriculture the Junior Land Reforms Officer should—

(a) cause a local enquiry to ascertain the character of the land and to find out if the allottee has made all reasonable attempts to bring it under cultivation, and

(b) consult the local Agricultural Extension Officer and obtain a certificate from him regarding the unsuitability of the land in question for agriculture.

5. If after taking the above actions the Junior Land Reforms Officer is satisfied that the land is really unfit for agriculture, he should keep an appropriate note in Register VIII against the plot.

5.1. The allottee should be asked to return the Patta along with a declaration that he wants to surrender the land allotted to him on the ground that it is unfit for agriculture.

5.2. An annulment proceeding on the basis of the declaration should be drawn up and the Patta cancelled after an order of annulment of the settlement has been made by the Subdivisional Officer.

6. Such allottees as will be compelled to surrender their lands on the above ground should be considered for distribution of equivalent quantum of land as far as possible.

7. It should be clearly understood that a piece of land should be considered to be unfit for agriculture for the purpose of distribution under section 49 of the Land Reforms Act only where such cases satisfy the tests indicated in paragraph 4 and not otherwise.

8. This issues with the concurrence of the Agriculture Department.

A. K. CHAKRABORTI,
Special Officer and Ex-officio Secretary,
Board of Revenue, West Bengal.

Memo. No. 7736/1(44)-G.E.

Copy forwarded to the—

- (1) Director of Land Records and Surveys, West Bengal,
- (2) Commissioner,.....Division,.....,
- (3) District Magistrate/Deputy Commissioner,.....
- (4) Settlement Officer,.....
- (5) Secretary, Agriculture Department (with reference to u/o. notes, dated 2nd June 1979, in Board's file No. 402/79-G.E.),
- (6) Director of Agriculture, West Bengal,
- (7) Principal Agricultural Officer,.....,

for information.

A. K. CHAKRABORTI,
Special Officer and Ex-officio Secretary,
Board of Revenue, West Bengal.

Calcutta,
The 21st June 1979.

GOVERNMENT OF WEST BENGAL

Office of the Board of Revenue, West Bengal.
Section A, G. E. Branch

No. 1403(15)-G.E., dated Calcutta, the 3rd February
1978.

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

Subject : *Reconstitution of Block Level Land Reforms
Advisory Committees—principles for distribution
of khas and vested agricultural lands.*

A reference is invited to Board's Memo. No. 8602(15)-G.E., dated 1st July 1977. It was intimated therein that the Block Level Land Reforms Advisory Committees constituted under Board's order No. 7090(15)-G.E., dated 18th May 1977, should stop functioning forthwith and that no land should be

distributed to any person even where the recommendations of the Committee were received earlier and cases for actual distribution of vested/khas land were finalised on the basis of such recommendations.

1.1. Orders have since been issued under Board's order No. 893-G.E., dated 24th January 1978 reconstituting Block Level Land Reforms Advisory Committees with the object of distribution of khas and vested agricultural lands in consultation with that Committee. The composition of the Committee is as follows :—

- (1) Representatives of the Left Front—members ;
- (2) One representative from each of other recognised political parties, viz., Congress, Janata and C.P.I.—members ;
- (3) Local M.L.A. or his representative—member ;
- (4) One Government nominee—member ;
- (5) Block Development Officer—member ;
- (6) Junior Land Reforms Officer—member-convenor ;
- (7) An officer of the Food Department—member ;
- (8) A representative of the Directorate of Land Records and Surveys—member ;

1.2. The Committee will select its own Chairman for each sitting from amongst the members present.

1.3. For the purpose of quorum at least 50 per cent. of the members should be present of whom three should be non-official members.

1.4. The proceedings of the meeting of the Block Level Land Reforms Advisory Committee should be properly kept in the manner laid down in the Board's Memo. No. 23096(15)-G.E., dated 18th November 1972.

2. The principles for distribution of khas and vested agricultural lands are laid down in section 49 of the West Bengal Land Reforms Act, 1955. Consistently with the provisions of this section and in order to secure justice to the weaker sections of the community, the order of priorities in the matter of distribution of khas and vested agricultural lands as laid down in Board's Memo. No. 21654(17)-G.E., dated 9th November 1973 and No. 13965(17)-G.E., dated 26th July 1976, should be followed subject to the following modification :—

- (a) a bargadar who owns as a raiyat one acre or more of agricultural land shall not be eligible for any further land ;
- (b) a landless person found to be in uninterrupted possession of a piece of land for a minimum period of three years should be given first priority in the matter of distribution, if he is found to be otherwise eligible ; and
- (c) a person who is not a national of India shall not be entitled to any land.

3.1. The lists of eligible persons as existing in the Land Reforms Circle Offices should be treated as cancelled. To start with the distribution of khas lands, the quantum of lands available within the jurisdiction of each Land Reforms Circle should be thoroughly scrutinised and assessed. Thereafter mauza-wise lists of eligible persons should be drawn up de novo in accordance with the principle laid down in paragraph 2 above. The mauza-wise lists so prepared should be displayed in the notice board of each Land

Reforms Circle Office for a period of 15 days for the purposes of public inspection and scrutiny. Objections, if any, received within the said period from the members of the public should be thoroughly enquired into by an officer not below the rank of a Circle Inspector. The lists along with the reports of enquiries into the cases objected to should be placed before the Block Level Land Reforms Advisory Committee for consideration. Distribution should be taken up after the finalisation of the list. Topmost priority should, therefore, be given to the work of finalisation of the list.

3.2. The available vested land should be entered in Register VIII and distribution thereof should also be indicated in it by mentioning the name of the allottee and the corresponding raiyati case number.

3.3. In the eligibility list prepared in accordance with paragraph 2 above, necessary note should also be kept against the name of the person to whom the land has been allotted.

4. As very small quantity of land, if distributed to individual persons, will not be economically viable, the provision for settlement of a minimum area of one-third of an acre as laid down in sub-rule (3) of rule 20A of the West Bengal Land Reforms Rules, 1965, should be followed as far as possible for future distribution. The minimum for actual distribution may however, be decided having regard to the quality of land.

5.1. Complaints of irregular distribution of land adequately supported by evidence should be thoroughly enquired into. Lists of all previous distribution cases with necessary particulars should be displayed in the notice board of each Land Reforms Circle Office for a period of 15 days for public inspection and scrutiny. Objections, if received within 15 days, should be properly examined. The cases of distribution of land to ineligible persons as and when brought to the notice of the local authorities by the mass organisations should be given special attention. Only those objections which will be filed in a concrete form with specific particulars, i.e., Block No., Khatian No., area of land distributed, etc., should be examined. Members of the Block Level Land Reforms Advisory Committee should be associated with the enquiry into these objections.

5.2. There may be the following two categories of cases where land was settled with persons found to be not eligible within the meaning of section 49(1) of the West Bengal Land Reforms Act—

- (a) where the deed of settlement has been executed and
- (b) where such deed of settlement has not been executed.

In respect of the cases coming under (a) above, necessary steps should be taken for annulment of the settlement under section 49(2) of the Land Reforms Act. Settlement of the said land will thereafter be made in accordance with the instructions given in the preceding paragraphs.

As regards the cases coming under (b) above, it will not be necessary to invoke the provisions of section 49(2) of the Act. In such cases it will be competent

Memo. No. 1858/1(460)-G.E.

Copy forwarded to the—

- (1) Chief Secretary to the Government of West Bengal,
- (2) Commissioner, ————Division, ————,
- (3) Secretary, Food and Supplies,
- (4) Director of Land Records and Surveys, West Bengal,
- (5) Additional District Magistrate (Land Reforms) (spare copies for distribution among the Junior Land Reforms Officers)
- (6) Deputy Secretary, Land Utilisation and Reforms and Land and Land Revenue Department,
- (7) Subdivisional Officer, ————
- (8) Subdivisional Land Reforms Officer, ————,
- (9) Junior Land Reforms Officer, ————,
- (10) Private Secretary to the Minister-in-Charge, Land Utilisation and Reforms and Land and Land Revenue Department,
- (11) Private Secretary to Chief Minister,

for information.

A. K. CHAKRABORTI,
Special Officer and Ex-officio Secretary,
Board of Revenue, West Bengal.

Calcutta,
The 17th February/23rd March 1979.

D.O. No. 3631(15)-G.E./269/79, dated Calcutta, the
29th March 1979.

I am enclosing a statement showing the area of vested agricultural land available for distribution in different districts of West Bengal. Area in land still remain to be distributed in your district is shown in the statement.

2. During the debate in the Assembly on our demand for grant there were critical references to the inability of the administration to distribute all the vested lands among the eligible categories of land—poor or landless rural workers. Criticism was also made about unusual delay in annulment of ineligible Pattas. But the main focus of the debate was on non-distribution of large areas of vested agricultural land.

3. There is absolutely no reason, now, why these lands should remain undistributed. Panchayat Samitis have been declared as Block Level Land Reforms Advisory Committees. For the convenience of work it has been decided that the Panchayat Samitis could form ad-hoc sub-committees to deal specifically with

for the authority concerned (viz., the Subdivisional Officer or the Additional District Magistrate or the Collector) to modify the previous orders after taking into account the enquiry reports and the recommendations of Land Reforms Advisory Committee.

J. R. SAHA,
Secretary,
Board of Revenue, West Bengal.

Memo. No. 1403/1(460)-G.E.

Copy forwarded to the—

- (1) Chief Secretary to the Government of West Bengal,
- (2) Commissioner, ————Division, ————;
- (3) Secretary, Food and Supplies Department,
- (4) Director of Land Records and Surveys, West Bengal,
- (5) Additional District Magistrate (Land Reforms), ————
- (6) Deputy Secretary, Land Utilisation and Reforms and Land and Land Revenue Department,
- (7) Subdivisional Officer, ————
- (8) Subdivisional Land Reforms Officer, ————
- (9) Junior Land Reforms Officer, ————
- (10) Private Secretary to the Minister-in-charge, Land Utilisation and Reforms and Land and Land Revenue Deptment,
- (11) Private Secretary to the Chief Minister,

for information.

J. R. SAHA,
Secretary,
Board of Revenue, West Bengal.

Calcutta,
The 3rd February 1978.

GOVERNMENT OF WEST BENGAL

Office of the Board of Revenue, West Bengal

Section A (I), G.E. Branch

No. 1858(15)-G.E./366/77, dated Calcutta, the 17th
February/21st March 1979.

To—The Collector, Deputy Commissioner, ————

Subject : *Reconstitution of Block Level Land Reforms
Advisory Committees—principles for distribution of
khas and vested agricultural lands.*

Reference : *Board's Memo. No. 1403(15)-G.E., dated
3rd February, 1978.*

Paragraph 2(a) of Board's Memo. mentioned above
is substituted as follows :

2. (a) A person, whether a bargadar or a raiyat, owning one acre or more of agricultural land, shall not be eligible for any further land.

A. K. CHAKRABORTI,
Special Officer and Ex-officio Secretary,
Board of Revenue, West Bengal.

land reform matters till the formation of Sthayee Samitis. Therefore, there is not any procedural difficulty for taking steps for distribution of undistributed vested agricultural land.

4. Would you kindly issue instructions to the Senior Land Reforms Officers and Junior Land Reforms Officers to send lists of undistributed vested land to the corresponding Anchal Samitis to enable them to take proper steps for making recommendations for distribution among eligible categories of persons? Kindly also request the Subdivisional Officers to supervise this work. There is enough time now to do this job before they get engaged in the half-yearly exercise of showing/harvesting disputes. I am also writing to the Sabhadhipatis of the Zilla Parishads of your district requesting him to use his good offices for prompt distribution of the undistributed vested land.

Kindly keep me informed of the progress through routine returns that the Additional District Magistrate (Land Reforms) send to the Board of Revenue.

D. BANDYOPADHYAY,
Land Reforms Commissioner, West Bengal.

To—All Collectors.

Memo. No. 3631/1(70)-G.E.

Copy with copy of enclosure forwarded to—

- (1) All Commissioners,
- (2) All Additional District Magistrates/Additional Deputy Commissioners (Land Reforms),
- (3) All Subdivisional Officers,

for information.

D. BANDYOPADHYAY,
Land Reforms Commissioner, West Bengal.

Memo. No. 3631/2(9)-G.E.

Copy with copy of enclosure forwarded to—

- (1) Director of Land Records and Surveys,
- (2) All Settlement Officers,

for information.

D. BANDYOPADHYAY,
Land Reforms Commissioner, West Bengal.

Statement of vested Agricultural lands available for distribution

District	Area in acres					
	Area of land vested	Area of land hit by injunction	Area of land free for distribution	Area of land distributed	Area of land to be distributed immediately	
24 Parganas ...	1,20,466.95	39,318.00	81,148.95	51,656.55	29,492.40	
Howrah ...	6,068.21	2,199.38	3,868.83	2,285.79	1,583.04	
Nadia ...	23,537.92	6,454.00	17,083.92	11,341.00	5,742.92	
Murshidabad ...	44,638.02	9,598.79	35,039.23	20,701.07	14,338.16	
Burdwan ...	75,967.40	20,247.09	55,720.31	28,743.46	26,976.85	
Birbhum ...	29,523.87	8,536.45	20,987.42	17,063.11	3,924.31	
Bankura ...	55,938.25	6,871.89	49,066.36	32,853.44	16,212.92	
Midnapore ...	2,53,489.99	25,116.39	2,28,373.60	1,40,247.90	88,125.70	
Hooghly ...	17,181.30	4,972.64	12,208.66	8,417.23	3,791.43	
Purulia ...	86,045.25	14,554.37	71,490.88	33,322.43	38,168.45	
Malda ...	79,143.54	8,940.62	70,202.92	46,978.71	23,224.21	
West Dinajpur ...	1,24,593.07	11,084.11	1,13,508.96	72,710.77	40,798.19	
Cooch Behar ...	58,762.31	2,849.00	55,913.31	42,637.00	13,276.31	
Jalpaiguri ...	1,16,744.58	3,146.79	1,13,597.79	86,618.82	26,978.97	
Darjeeling ...	30,476.02	843.64	29,632.38	16,928.10	12,704.28	
Total ...	11,22,576.68	1,64,733.16	9,57,843.52	6,12,505.38	3,45,338.14	

অবিলম্বে বিলিযোগ্য জমির বিবরণী

একরে

জেলা	ন্যস্ত জমির পরিমাণ	ইনজাংশনে আবদ্ধ	বিলি করার যোগ্য	বিলি করা হয়েছে	অবিলম্বে বিলি করতে হবে
চব্বিশপরগনা	— ১,২০,৪৬৬'৯৫	৩৯,৩১৮'০০	৮১,১৪৮'৯৫	৫১,৬৫৬'৫৫	২৯,৪৯২'৪০
হাওড়া	— ৬,০৬৮'২১	২,১৯৯'৩৮	৩,৮৬৮'৮৩	২,২৮৫'৯৯	১,৫৮৩'০৪
নদীয়া	— ২৩,৫৩৭'৯২	৬,৪৫৪'০০	১৭,০৮৩'৯২	১১,৬৪১'০০	৫,৭৪৯'২২
মুর্শিদাবাদ	— ৪৪,৬৩৮'০২	৯,৫৯৮'৭৯	৩৫,০৩৯'২৩	২০,৭০১'০৭	১৪,৩৩৮'১৬
বর্ধমান	— ৭৫,৯৬৭'৪০	২০,২৪৭'০৯	৫৫,৭২০'৩১	২৮,৭৪৩'৪৬	২৬,৯৭৬'৮৫
বীরভূম	— ২৯,৫২৩'৮৭	৮,৫৩৬'৪৫	২০,৯৮৭'৪২	১৭,০৬৩'১১	৩,৯২৪'৩১
বাঁকুড়া	— ৫৫,৯৩৮'২৫	৬,৮৭১'৮৯	৪৯,০৬৬'৩৬	৩২,৮৫৩'৪৪	১৬,২১২'৯২
মেদিনীপুর	— ২,৫৩,৪৮৯'৯৯	২৫,১১৬'৩৯	২,২৮,৩৭৩'৬০	১,৪০,২৪৭'৯০	৮৮,১২৫'৭০
হুগলি	— ১৭,১৮১'৩০	৪,৯৭২'৬৪	১২,২০৮'৬৬	৮,৪১৭'২৩	৩,৭৯১'৪৩
পূর্বমির্জা	— ৮৬,০৪৫'২৫	১৪,৫৫৪'৩৭	৭১,৪৯০'৮৮	৩৩,৩২২'৪৩	৩৮,১৬৮'৪৫
মালদা	— ৭৯,১৪৩'৫৪	৮,৯৪০'৬২	৭০,২০২'৯২	৪৬,৯৭৮'৭১	২৩,২২৪'২১
পশ্চিম দিনাজপুর	— ১,২৪,৫৯৩'০৭	২১,০৮৪'১১	১,০৩,৫০৮'৯৬	৭২,৭১০'৭৭	৪০,৭৯৮'১৯
কোচবিহার	— ৫৮,৭৬২'৩১	২,৮৪৯'০০	৫৫,৯১৩'৩১	৪২,৬৩৭'০০	১৩,২৭৬'৩১
জলপাইগুড়ি	— ১,১৬,৭৪৪'৫৮	৩,১৪৬'৭৯	১,১৩,৫৯৭'৭৯	৮৬,৬১৮'৮২	২৬,৯৭৮'৯৭
দার্জিলিং	— ৩০,৪৭৬'০২	৮৪৩'৬৪	২৯,৬৩২'৩৮	১৬,৯২৮'১০	১২,৭০৪'২৮
মোট	— ১১,২২,৫৭৬'৬৮	১,৬৪,৭৩৩'১৬	৯,৫৭,৮৪৩'৫২	৬,১২,৫০৫'৩৮	৩,৪৫,৩৩৮'১৪

LAND REFORMS 2/79

GOVERNMENT OF WEST BENGAL

Office of the Board of Revenue, West Bengal
Section A, G.E. Branch

No. 6224(15)-G.E., dated Calcutta, the 12th June 1979

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

It has been decided in the Workshop on Land Reforms held on 4th and 5th May 1979 that a district-wise time-bound programme for distribution of all the available vested agricultural lands should be taken up immediately so as to complete the same before the next sowing season. At present the Panchayat Samitis are acting as Land Reforms Advisory Committees at block level in connection with distribution of vested agricultural land under section 49 of the West Bengal Land Reforms Act. It has been decided that the "Unnayan, Parikalpana O Bhumi Sanskar Sthayee Samiti" of the Panchayat Samiti will finally take over this job and for this purpose an order from the Board of Revenue under sub-rule (3a) of rule 20A of West Bengal Land Reforms Rules will be issued in due course.

It is needless to point out that the success of the drive will largely depend upon the activation of the Panchayati Raj Institutions connected with the job. He may, therefore, kindly request the Sabhadhipati of the Zilla Calcutta, IAS The 12th June 1979.

Parishad to take up the matter with the Sabhapatis of the Panchayat Samitis for expeditious action in the matter.

A. K. CHAKRABARTI,

Special Officer and Ex-officio Secretary,
Board of Revenue, West Bengal.

Memo. No. 6224/1(30)-G.E.

Copy forwarded to the—

- (1) Secretary, Panchayat Department,
- (2) Commissioner,..... Division,.....
- (3) Sabhadhipatis of the Zilla Parishad,.....
- (4) Director of Land Records and Surveys, West Bengal,
- (5) Settlement Officer,.....
- (6) Land Utilisation and Reforms and Land and Land Revenue Department.

A. K. CHAKRABARTI,

Special Officer and Ex-officio Secretary,
Board of Revenue, West Bengal.

LAND REFORMS 7/79

GOVERNMENT OF WEST BENGAL

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

No. 10262(18)-G.E., dated Calcutta, the 11th August
1979

To—The Additional District Magistrate (Land Reforms)/
Additional Deputy Commissioner (Land Reforms),
.....

The undersigned is directed to say that in terms of section 49(2) of the West Bengal Land Reforms Act if the Revenue Officer is satisfied that the settlement of vested land was obtained by any person by practising fraud or misrepresentation, he may, by order in writing, annul such settlement. At present settlement of vested lands is made on the basis of the recommendations of the Block Level Land Reforms Advisory Committees which are now mostly Panchayat bodies. The Committees depend on the lists of eligible persons prepared by the Junior Land Reforms Officers. After such settlement is made, it is found in some cases on enquiry that the persons to whom the lands have been settled are not actually eligible for such lands. Consequently such settlements are to be annulled in terms of the provisions of section 49(2) *ibid*. But even though they are found to be actually ineligible on the basis of enquiry, it becomes difficult to prove that such persons, in fact obtained the settlement of land by practising fraud or misrepresentation in the absence of petitions from them praying for settlement of lands to them.

In the circumstances, it should be ensured that before settlement of lands is actually made, petitions are obtained from the persons concerned in the proforma enclosed and kept in the case records. In the cases where such lists have already been prepared, petitions should now be obtained *post facto* and kept in the records.

A. K. CHAKRABORTI,
Special Officer and Ex-officio Secretary,
Board of Revenue, West Bengal.

Memo. No. 10262/1(125)-G.E.

Copy with a copy of the proforma forwarded to the—

- (1) Commissioner,..... Division,.....,
- (2) District Magistrate/Deputy Commissioner,....
.....,
- (3) Director of Land Records and Surveys, West
Bengal,
- (4) Settlement Officer,.....R.S.O.,
- (5) Subdivisional Officer,.....,
- (6) Senior Land Reforms Officer,.....,

A. K. CHAKRABORTI,
Special Officer and Ex-officio Secretary,
Board of Revenue, West Bengal.

Calcutta,
The 11th August 1979.

Application for allotment of vested land under
section 49 of the Land Reforms Act

To

The Junior Land Reforms Officer,
.....Circle,

P.S.....

Dist.....

Dated

Sir,

I apply for settlement of a piece of vested land in my
favour.

2. My particulars are given below :

- (a) Name :
- (b) Father's name :
- (c) Details of land held
by me as raiyat :
- (d) Details of land culti-
vated as bargadar :
- (e) Details of land held
by my family (includ-
ing land held by me) :
- (f) Details of land culti-
vated by my family as
bargadar (including
land cultivated as bar-
gadar by myself) :
- (g) Details of vested land,
if any, held :

3. I am a resident of mauza.....,

J.L. No.....,Thana.....,

Dist.....

4. If allotted, I shall cultivate the land personally.

5. I belong to Scheduled Caste/Scheduled Tribe/
I do not belong to Scheduled Caste/Scheduled Tribe.

Yours faithfully,

.....
(Witness)

GOVERNMENT OF WEST BENGAL

Office of the Board of Revenue, West Bengal
Section A(1), G. E. Branch

No. 14833(18)-G.E./366/77, dated Calcutta, the 13th
November 1979.

To—The Additional District Magistrate (Land Reforms)/
Additional Deputy Commissioner (Land Reforms,)

A question has arisen as to whether the instructions contained in paragraph 2(a) of Board's Memo. No. 1403(15)-G.E., dated 3rd February 1978, read with Board's Memo. No. 1858(15)-G.E., dated 17th February 1979, are not contrary to the provisions contained in sub-sections (2) and (3) of section 148 and section 49 of the West Bengal Land Revenue Act and rule 20A of the West Bengal Land Revenue Rule in so far as the Board's circulars lay down that a raiyat or a bargadar owning one acre or more of agricultural land shall not be entitled to further land; while as per statutory rules stated above bargadars or raiyats are entitled to at least one hectare of agricultural land.

It is hereby stated for clarification and removal of all confusion that the statutory provisions have set out the upper limit to which a raiyat or a bargadar is entitled

to get agricultural land. It is entirely within the discretion of the Government to set an inner limit for the policy purpose within the said outer limit. So Board's circulars cited above are not in any way contrary to the provisions contained in the Act and Rules.

A. K. CHAKRABORTI,
*Special Officer and Ex-officio Secretary,
Board of Revenue, West Bengal.*

Memo. No. 14833/1(19)-G.E.

Copy forwarded to the—

- (1) Commissioner,.....Division,.....,
- (2) Director of Land Records and Surveys, West Bengal,
- (3) District Magistrate/Deputy Commissioner,
for information.

A. K. CHAKRABORTI,
*Special Officer and Ex-officio Secretary,
Board of Revenue, West Bengal*

Calcutta,
The 13th November 1979.

CHAPTER III

GOVERNMENT OF WEST BENGAL

Office of the Board of Revenue, West Bengal

Section (A), G. E. Branch

No. 12304(27)-G.E., dated Calcutta, the 5th July 1978.

To—(1) The Director of Land Records and Surveys West Bengal.

- (2) The Additional District Magistrate (Land Reforms).....
- (3) The Additional Deputy Commissioner (Land Reforms),.....
- (4) The Settlement Officer,.....

Subject : *Operation Barga decision taken in the Workshop held on June 23rd and 24th, 1978.*

1.1. The entire work of recording of bargadars under an intensive drive as envisaged in the decision of the Workshop may be broadly divided into the following five distinct operations :—

- (1) Identification of the priority pockets with large concentration of bargadars.
- (2) Formation of squads.
- (3) Meetings with the bargadars.
- (4) Reconnaissance and field verification.
- (5) Actual recording.

1.2. Identification of priority pockets will have to be made in consultation with the local peasants' organisations. The settlement records (records as finally published under the provisions of the Estates Acquisition Act or those prepared during the current settlement operation under the West Bengal Land Revenue Act) may give an idea about the concentration of bargadars. The number of unrecorded bargadars may be assessed on the basis of information to be furnished by the peasants' organisations as also by the local officers. This item of work, namely, identification of priority pocket is very important and unless efforts to record the bargadars are put in areas where there is real concentration of bargadars the entire exercise will be fruitless. The Settlement Officers and the Additional District Magistrates (Land Revenue) will personally see that the "area of priority" has been correctly identified.

2. The squad of functionaries to be formed for the purpose will consist of Kanungos, J.L.R.O.s, and requisite number of Amins. The Settlement Officer will spare the requisite number of Kanungos for the purpose. The local J.L.R.O. will have to be invariably associated with this squad. The J.L.R.Os. from other circles of the same district should also be included. Where there is large concentration of tribal bargadars, Kanungos of the Tribal Welfare Department should also be associated with the job. In selecting the Amins proper care should be taken to ensure that only those

persons who have got considerable experience of field work are selected. The squad for each priority area should be immediately formed. There is no objection to one squad being formed for more than one priority area in close proximity provided the first area is quickly covered and the second one taken up almost simultaneously. The priority areas identified should be tagged with this squad well ahead so that the squad may plan their own movement and action according to the programme. The entire job of formation of this squad and their movement to the different priority areas should be decided personally by the Settlement Officer and the Additional District Magistrate (Land Revenue) jointly so that there is no dislocation in the programme when the actual operation starts.

3. The basic purpose of holding meetings with the bargadars is to explain to them the objectives of this special drive of "operation barga", and to bring home to them the benefits that will be thrown open to them once they are brought into the settlement records and thereby to enable them to overcome the fear psychosis. The venue of the meeting should be as near the places of the residence of the bargadars as possible. During discussion with the bargadars the officials should try to talk them in such a way that the bargadars take this exercise as a genuine attempt on the part of the Government to protect their rights and interests. The officials who will be required to organise such meetings should, therefore, be properly briefed.

4. The reconnaissance and field verification are intended to be an operation very similar to the pre-Khanapure-Bujharat enquiry done in the settlement operations. The aim will be to assess firstly the incidence of bargadars in a particular target area. This also will offer the field officers an opportunity to ascertain the actual state of affairs in the field. The verification is very important inasmuch as the recording of the bargadars will be based, primarily on this verification. Necessary note of such verification should be kept by the enquiring officials. The informations received during the evening meetings regarding barga cultivation should be verified during the field enquiry and any additional information regarding barga cultivation received during such enquiry should also be noted for further follow-up action including verification under section 21B of the Land Revenue Act, the presumption being in favour of bargadars. There are, however, cases of affluent farmers basing in the lands of poor raiyats for raising high yielding variety of crops. Such affluent farmers are not traditional bargadars and as such their names must not be recorded as bargadars. There may also be cases of relatives of raiyats putting forward their claims for recording their names as bargadars with an ulterior motive of keeping the land within the family circle in case of any future eventuality. In recording bargadars, the relationships between the land-owners and the claimants should be discreetly looked into.

5. When after enquiry as indicated above a person is found to be a bargadar, he should be recorded as such under section 50 of the Land Reforms Act in the usual manner in the areas where revisional settlement operation has not yet been taken up. In the areas where, however, revisional settlement work has already been taken up

and is in different stages, the recording of bargadars will have to be done under section 51 *ibid.* For this purpose, steps are being taken to amend the rules.

6. Immediate tasks are :

- (a) The Settlement Officers and the Additional District Magistrates (Land Revenue) should immediately take up the work of identification of the priority areas.
- (b) Programme of work for the entire district should be chalked out.
- (c) Squads of functionaries should be formed immediately so that each squad may prepare its own plan of action and movement.
- (d) Lists of priority areas along with programme of action should be framed by Additional District Magistrate (Land Revenue) and S.O. jointly and send copies to Board of Revenue and D.L.R. & S.

7. The total number of bargadars recorded through this process should be reflected in the standard progress return of S.O.

(The scheme will not apply to the district of Purulia and Islampur Subdivision.)

J. R. SAHA,
Secretary,
Board of Revenue, West Bengal.

Memo. No. 12304/1(27)-G.E.

Copy forwarded to.....
..... for
information and necessary action.

Secretary,
Board of Revenue, West Bengal.

Calcutta,
The 5th July 1978.

GOVERNMENT OF WEST BENGAL

Office of the Board of Revenue, West Bengal

Section (A), G. E Branch

No. 13692(19)G.E., dated Calcutta, the 26th July 1978

- To—(1) The Director of Land Records and Surveys, West Bengal,
- (2) The Additional District Magistrate (Land Reforms)/Additional Deputy Commissioner (Land Reforms).

Subject : *Issue of certificate to newly recorded bargadars.*

A reference is invited to paragraph 5 of Board's Memo. No. 12304(27)-G.E., dated 5th July 1978, regarding "Operation Barga". It has been enjoined therein that when a person is found to be a bargadar after necessary enquiries, he should be recorded as such

under section 50 or 51 of the West Bengal Land Reforms Act, as the case may be. The bargadars who will be so recorded will be in need of some documents of the strength of which they may apply for institutional finance and enjoy other facilities. Issue of Parcha in an area where the recording will be done under section 51 may take some time. It has, therefore, been decided that in such cases a certificate should be issued to the bargadar immediately after his name has been noted down after enquiry for being brought into records. Immediately on return to the base camp the Revenue Officer will incorporate the name of the bargadar in the records and issue a Parcha to him. The certificate given to the bargadar will have to be taken back at the time of distribution of Parcha. Rules are being amended providing for (i) issue of certificate to bargadar and (ii) distribution of Parcha at any stage of the settlement operation.

2. Where a bargadar is recorded by the Revenue Officer under section 50(e) of the Land Reforms Act and an intimation of such recording is sent to the settlement authorities in terms of rule 21 of the Land Reforms Rules, the certificate should be furnished by the Revenue Officer acting under section 50(e). The Revenue Officer who records the name of such a bargadar in the appropriate stage of the settlement proceedings under section 51 will take back the certificate from the bargadar at the time of making over the Parcha to him. Bargadars determined under Chapter III of the West Bengal Land Reforms Act should also get a certificate as at Annexure A.

3. Two specimen certificates—one for recording to be made under section 50(e) (Annexure A) and the other for recording to be made under section 51 (Annexure B)—are enclosed. Sufficient number of the certificates should be printed. The blank certificates should be serially numbered and bound into books of 100 like the duplicate carbon receipt books. Great care should be taken for safe custody of the blank certificates. As soon as a certificate is issued to a bargadar, necessary particulars should be entered in a mauza-wise register in the form enclosed (Annexure C).

4. It is the intention of the Government that every bargadar should have a document—either a certificate or a Parcha—as a token of recognition of his status as a bargadar under the law.

A. K. CHAKRABORTI,
Special Officer and Ex-officio Secretary,
Board of Revenue, West Bengal.

Memo. No. 13692/1(27)-G.E.

Copy forwarded to the—

- (1) Commissioner,.....Division,.....,
- (2) District Magistrate/Deputy Commissioner,.....
- (3) Settlement Officer,.....,
- (4) Land Utilisation and Reforms and Land and Land Revenue Department, Government of West Bengal,

for information.

A. K. CHAKRABORTI,
Special Officer and Ex-officio Secretary,
Board of Revenue, West Bengal.

Calcutta,
The 26th July 1978.

ANNEXURE B

পশ্চিমবঙ্গ সরকার

শ্রী

পিতা

সাং

নিম্নোক্ত দাগে তদন্তের দ্বারা খানাপুরী বুঝারতা অ্যাটেস্টেশন।
ড্রাফট পাবলিকেশন। ফাইনাল পাবলিকেশন স্তরে বর্গাদার
স্থিরীকৃত হইয়াছেন।

.....
জিলা রাজস্ব আধিকারিক

থানা ভূমি-সংস্কার আইনের ৫১
ধারা মতে

মৌজা

খতিয়ান নং

দাগ নং

ANNEXURE A

পশ্চিমবঙ্গ সরকার

শ্রী

পিতা

সাং

নিম্নোক্ত দাগে বর্গাদার স্থিরীকৃত হওয়ার তাহার নাম
নথীভুক্ত করা হইল।

.....
জিলা রাজস্ব আধিকারিক

থানা ভূমি-সংস্কার আইনের ৫০
ধারা মতে

মৌজা

খতিয়ান নং

দাগ নং

ANNEXURE C

Register of certificates issued to newly recorded bargadars

Mauza with J.L. No.....

Sl. No.	Date of issue	Name, father's name and address of the bargadar	Plot No.	Khatian No.	No. of the certificate issued	Signature of the Revenue Officer	Signature of the bargadar	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

OPERATION BARGA—CLARIFICATION NO. 1.

GOVERNMENT OF WEST BENGAL

Office of the Board of Revenue, West Bengal

Section A(D), G.E. Branch

No. 16779 (76)-G.E., dated Calcutta, the 19th September 1978

To—

- (1) The Director of Land Records and Surveys, West Bengal.
- (2) The Additional District Magistrate (Land Reforms)/ Additional Deputy Commissioner (Land Reforms)/ Settlement Officer, _____
- (3) The Subdivisional Officer, _____

Subject : *Issue of certificate to newly recorded bargadars.*

In Board's Memo. No. 13692-G.E., dated 26th July 1978, it has been enjoined that pending issue of Parchas to newly recorded bargadars, a certificate should be issued to them.

2. It has now come to the notice of the Board that in some cases two certificates have been issued in respect of the same plot of land to two bargadars—one who is found to be actually cultivating the land after necessary enquiries and the other who has been unlawfully evicted by the owner in contravention of the relevant sections of the Land Reforms Act. In the certificates issued to the latter category of bargadars mention is being made of the fact that the bargadar has been evicted by the owner in contravention of the provisions of the Land Reforms Act.

3. Issue of two certificates to more than one person in respect of the same plot of land will frustrate the very purpose for which such certificates are being issued. This will also give rise to many complications in future.

4. It is, therefore, directed that in such cases only one certificate should be issued to the bargadar who is actually found to be cultivating the land as such. As regards the bargadar who has been unlawfully evicted by the owner, it has been decided that he would be informed of the results of enquiry and advised to seek redress against unlawful eviction and restoration of the rights in the appropriate forum under a memorandum of which a specimen is enclosed.

5. Where it is found on enquiry that a person who was a bargadar has been physically removed from land by the owner without due process of law as prescribed in the Land Reforms Act and the owner has not brought the land under cultivation or has not inducted a new bargadar to such land the person so removed shall be recorded as a bargadar and a certificate issued to him. The matter should be brought to the notice of the Subdivisional Officer/Additional District Magistrate to ensure physical restoration of the land to such bargadar if necessary by having recourse to provisions of the Criminal Procedure Code.

6. It is requested that the officers who are entrusted with the recording of bargadars under "Operation Barga" are instructed accordingly.

J. R. SAHA,
Secretary,
Board of Revenue, West Bengal.

Memo. No. 16779/1(19)-G.E.

Copy forwarded to the—

- (1) Commissioner, _____ Division, _____
- (2) District Magistrate/Deputy Commissioner, _____
- (3) Settlement Officer, _____
- (4) Land Utilisation and Reforms and Land and Land Revenue Department.

A. K. CHAKRABORTI,
Special Officer and Ex-officio Secretary,
Board of Revenue, West Bengal.

Calcutta,
The 19th September 1978.

GOVERNMENT OF WEST BENGAL

Office of the Board of Revenue, West Bengal

Section A, G.E. Branch

No. 9027(18)-G.E. /369/78, dated Calcutta, the 24th May 1978

To—

The Additional Deputy Commissioner (L.R.).
The Additional Deputy Commissioner (L.R.).

Subject: *Holding of local enquiry in connection with disposal of bhagchas cases under section 18 of the Land Reforms Act.*

Section 18(1) of the Land Reforms Act empowers an officer so appointed by the State Government to adjudicate certain categories of disputes between a bargadar and the person whose lands he cultivates. The question whether a person is a bargadar or not is also to be determined by the officer, vide sections 21(3) and 18(2) *ibid.*

In the rules framed in this regard it is enjoined that the officer or authority shall take into account along with other evidences, the entries, if any, made in regard in the existing record-of-rights and where the records-of-rights is under preparation or revision, the entries, if any, made in the draft record in course of such preparation or revision.

It has come to the notice of the Board that the Junior Land Reforms Officers who have been specially appointed under section 18 of the Act are mostly disposing of the disputes without holding any local enquiry as to the actual position obtaining in the field. They are principally relying on the following :—

- (i) papers and documents produced by both the parties;
- (ii) oral evidences as may be adduced by the parties; and
- (iii) settlement records.

The importance of local enquiry in disposal of bhagchas cases can hardly be over-emphasised. It is felt that so far as other evidences are concerned the facts revealed by local enquiry should get prime consideration. It affords to the enquiring officer an opportunity to gather first hand knowledge about the state of things in the field. Besides, local people who have direct knowledge of incidences relating to the dispute may be examined by the Enquiring Officer. Another positive advantage of the public enquiry is that the oral evidences that might be forthcoming would be factual and unbiased. The bargadar who is the weaker party in the dispute will also feel more secure to place his case before the Enquiring Officer during local enquiry.

It is, therefore, desired that a local enquiry should be invariably taken up by the Junior Land Reforms Officer himself in all disputes under section 18 of the Land Reforms Act. When a local enquiry in a case has been proposed, the Junior Land Reforms Officer should in advance of date of enquiry display on his notice board the particulars of the disputes indicating (a) names of parties, (b) name of mauza and particulars of land in dispute and (c) date, time and venue of the proposed local enquiry. The particulars should also be notified to the parties to the dispute. During enquiry the Junior Land Reforms Officer should collect as much information relevant to the dispute from the local people as possible. Attempts should also be made to find out if the contesting parties produce any interested witnesses. The credibility of the witnesses particularly of those produced by the landlord should be carefully assessed before the value of the evidences given by such witnesses are weighed.

It is the declared policy of the present Government to take all possible measures to safeguard the rights and interests of the bargadars as provided in the law. Board of Revenue expect that the Bhagchas Officers/Junior Land Reforms Officer/Revenue Officers as an institution would play the role expected of them.

Additional District Magistrates (L.R.) are expected to closely supervise the performance of Bhagchas Officers/Junior Land Reforms Officers. Any lapse on their part in not properly discharging their duties should be severely dealt with.

J. R. SAHA,
Secretary,
Board of Revenue, West Bengal.

Memo. No. 9027/1(18)-G.E.

Copy forwarded to the—

- (1) Commissioner—Division,
- (2) Collector/Deputy Commissioner.....

for information.

J. R. SAHA,
Secretary,

Board of Revenue, West Bengal.

Calcutta,
The 24th May 1978.

Memo No. 9027/2(2)-G.E.

Copy forwarded to the—

- (1) Director of Land Records and Surveys, West Bengal,
- (2) Land Utilisation and Reforms and Land and Land Revenue Department.

for information.

J. R. SAHA,
Secretary,
Board of Revenue, West Bengal.

Calcutta,
The 24th May 1978.

GOVERNMENT OF WEST BENGAL

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

No. 10741(18)-G.E./368/78, dated Calcutta,
the 14th June 1978

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

Section 20B of the Land Reforms Act provides that in case of surrender or abandonment of the right of cultivation by a bargadar the person whose land the bargadar cultivates may give information in writing of such surrender or abandonment to the authority appointed under section 18(1) *ibid*.

2. In Board's Memo. No. 3116/1(16)-LM, dated 25th February 1975, it was indicated that where the owner of the land fails to give information of such surrender or abandonment it would be competent for the officer under section 18(1) to initiate action under section 19A(2). An intimation from the bargadar would constitute a sufficient cause of action for the Bhagchas Officer to initiate action under section 19A(2). A Bhagchas Officer can, in effect, initiate action if he has reason to believe that cultivation of land by a bargadar has been terminated without due process of law.

3. Again, the officer empowered under section 18(1) of the Land Reforms Act is required under section 20B(2) *ibid* to cause an enquiry into the question if the surrender or abandonment of right of cultivation by bargadar has been made

voluntarily. The Bhagchas Officer should be extremely careful in conducting such enquiries. It is more often than not that the designing landowners create circumstances which compel a bargadar to surrender or abandon his right of cultivation. During enquiry the Bhagchas Officer should satisfy himself that such surrender or abandonment of right of cultivation by the bargadar was not caused due to intimidation, coercion, baiting or bluff, etc. There may be cases where surrender or abandonment of cultivation by a bargadar is based on an agreement like solenama, etc. between him and the landowner. Such an agreement may be seemingly innocent. During enquiry the Bhagchas Officer will find out if the bargadar actually became a party to such agreement on his own accord. Where it is found on enquiry that the bargadar had voluntarily made an agreement with the landlord, the Bhagchas Officer shall make sure after a sifting enquiry that the terms which constitute pre-condition to the proposed abandonment/surrender have been executed to the entire satisfaction of the bargadar. It has also to be borne in mind that a bargadar is not, under the normal circumstances, expected to part with his right of cultivation. Therefore, whenever a case of surrender or abandonment of right of cultivation comes to the notice of the Bhagchas Officer it should be presumed that it was not voluntarily. He will determine such surrender or abandonment as voluntary only when the above presumption is rebutted on the basis of evidences produced and results of local enquiry undertaken by him personally.

4. A bargadar does not generally part with his right of barga cultivation of his own. It is in the above background that the question of surrender or abandonment of the barga cultivation should be critically viewed and the relevant sections of the Act administered.

5. All Junior Land Reforms Officers should be suitably instructed accordingly.

J. R. SAHA.

Secretary,

Board of Revenue, West Bengal.

Memo. No. 10741/1(76)-G.E.

Copy forwarded to—

- (1) Commissioner, _____
Division, _____
- (2) Collector/Deputy Commissioner, _____
- (3) Director of Land Records and Surveys,
West Bengal,
- (4) Settlement Officers, _____
- (5) Sub divisional Land Reforms Officer, _____
for information and guidance.

J. R. SAHA.

Secretary,

Board of Revenue, West Bengal.

Calcutta.

The 14th June 1978.

GOVERNMENT OF WEST BENGAL

Office of the Board of Revenue, West Bengal

Section A(I), G. E. Branch

No. 14693(18)-G.E./551/78, dated Calcutta,
17th August 1978.

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

A reference is invited to paragraph 1(2) of Board's Memo. No. 18098(10)-G.E.-182/71, dated 6th December 1971 (pages 49-50 of the Compendium of instructions of Land Reforms). It was stated therein that in deciding a case involving an unrecorded bargadar the Revenue Officer shall record his name in the first copy of the Records-of-Rights under section 50 of the Land Reforms Act and also send an information of such recording to the Settlement Camp concerned.

2. It has come to the notice of the Board that in many cases the Revenue Officers are waiting for the appeal period of 30 days before correcting the records and sending information to the Settlement Authority. The law does not require nor is it desirable that the Revenue Officers should wait till the expiry of the appeal period for effecting correction in the Records-of-rights. All the Revenue Officers may, therefore, be instructed to correct the first copy of the records-of-rights under section 50(e) immediately after orders are passed under section 18(2) *ibid.* An intimation of such recording should also be simultaneously sent to the Settlement Camp concerned for further action from their end. This modifies paragraph 6 of the instruction issued under Board's circular No. 5438-G.E., dated 3th April 1975 (vide pages 54-55 of the Compendium).

3. This also supersedes orders contained in Board of Revenue circular No. 13684(18)-G.E., dated July 28, 1978.

(Sufficient spare copies are enclosed for distribution among the Junior Land Reforms Officer).

A. K. CHAKRABORTI,

Special Officer and Ex-officio
Secretary, Board of Revenue,
West Bengal.

Memo. No. 14693/1(28)-G.E.

Copy to—

- (1) District Magistrate, _____
- (2) Commissioner, _____ Division.
- (3) Settlement Officer, _____
- (4) Director of Land Record and Surveys,
West Bengal.
- (5) Land Utilisation and Reforms and Land
and Land Revenue Department.

A. K. CHAKRABORTI,

Special Officer and Ex-officio Secretary, Board
of Revenue, West Bengal.

Calcutta,

The 17th August, 1978.

OPERATION BARGA—CLARIFICATION No. II

GOVERNMENT OF WEST BENGAL

Office of the Board of Revenue, West Bengal

Section A(I), G.E. Branch

No. 1600(27)-G.E., dated Calcutta,
the 13th February 1979

To—

- (1) The Director of Land Records and Surveys, West Bengal.
- (2) The Additional District Magistrate (L.R.)/
Additional Deputy Commissioner (L.R.)...
- (3) The Settlement Officer,.....
.....R. S. O.

Subject: *Recording of bargadars under section
50 of the Land Reforms Act.*

It has been envisaged in paragraph 5 of Board's Memorandum No. 12304(27)-G.E., dated 5th July 1978 that where settlement operations under section 51 of the Land Reforms Act have not yet been taken up, recording of bargadars should be done under section 50 *ibid*.

2. It has now come to the notice of the Board that in such mauzas the persons determined as bargadars after proper enquires under section 50 read with rule 21(2) have not been brought into the records.

3. Rule 21 of the Land Reforms Rules relating to maintenance of records under section 50 of the Land Reforms Act has since been amended. The newly inserted sub-rule 2 to rule 21 authorises a Revenue Officer specially empowered to cause necessary enquiries including field inspection, to decide whether a person is a bargadar or not, to record an appropriate finding thereafter and correct the records-of-rights on the basis of his finding.

4. As soon as an enquiry has been made and a person determined to be a bargadar on the basis of such enquiry, the Revenue Officer specially empowered should record the name of such person in the first copy of the records-of-rights under section 50(e) of the Land Reforms Act.

5. Simultaneously, the particulars of such persons so recorded in the first copy should be furnished to the Settlement Wing for incorporation of their names in the settlement records in the appropriate stage under section 51 of the Land Reforms Act, when Revisional Settlement Operation in the mauza is taken up.

6. All concerned should be instructed accordingly.

A. K. CHAKRABORTI,
Special Officer and Ex-officio Secretary,
Board of Revenue, West Bengal.

Memo. No. 1600/1(153)-G.E.

Copy forwarded to the—

- (1) Commissioner,.....
Division,.....
- (2) District Magistrate/Dputy Commissioner,
.....
- (3) Subdivisional Land Reforms Officer,.....
.....
- (4) District Land Reforms Officer,.....
.....
- (5) Settlement Charge Officer,.....
.....
- (6) Subdivisional Officer,.....

for information and necessary action.

(Sd.) Illegible,

Assistant Secretary,
Board of Revenue, West Bengal.Calcutta,
The 13th February 1979.

GOVERNMENT OF WEST BENGAL

Office of the Board of Revenue, West Bengal

Section A(L), G. E. Branch

No. 5123(27)-G.E./474/78, dated Calcutta,
the 3rd May 1979

To:—

- (1) The D. L. R. & S., West Bengal.
- (2) The Additional District Magistrate (L.R.).
- (3) The Additional Deputy Commissioner
(L.R.).....
- (4) The Settlement Officer.....

Subject : *Recording of bargadars under section
50 of the Land Reforms Act.*

A reference is invited to Board's Memo. No. 1600(27)-G.T., dated 13th February 1979, regarding recording of bargadar under section 50 of the Land Reforms Act.

2.1. There was some confusion about the scope of section 50(e) of the Land Reforms Act and rule 21 of the Land Reforms Rules in the matter of recording of bargadars. In order to make the position clear, a new sub-rule, namely, sub-rule (2) has been added to rule 21 [The old rule 21 has been remembered as rule 21(1)]. According to the newly inserted sub-rule, the Revenue Officer specially empowered may, on his own motion after giving the parties interested an opportunity of being heard,—

- (i) cause necessary enquiries including field inspection to decide whether a person is a bargadar or not,
- (ii) record an appropriate finding, and
- (iii) correct the records-of-rights on the basis of his finding.

2.2. It may be kept in mind that even where the land-owner or, the bargadar claiming as such, makes an application for incorporation of change in records-of-rights on account of alteration in the mode of cultivation, the Revenue Officer specially empowered may proceed to incorporate the change, if any, on his own motion, the application being just source of information for him.

2.3. It will appear from the above that the Revenue Officer specially empowered may, in course of maintenance of the records-of-rights under section 50 of the Land Reforms Act, decide the question relating to status of a bargadar and correct the records straightway.

3.1. It may be mentioned in this connection that an officer appointed under section 18(1) of the Land Reforms Act may, under section 18(2) *ibid*, go into the question of status of a bargadar. But this question must be in relation to an express dispute in respect of the matters mentioned in section 18(1) or otherwise, namely, matters referred to under section 21(3). An isolated question as to whether a person is a bargadar or not coming up during maintenance of records-of-rights under section 50 on account of alteration in the mode of cultivation cannot be a subject-matter of adjudication under section 18(2) by an officer appointed under section 18(1).

3.2. In view of the position indicated above, if, before recording, any question arises whether a person is or is not a bargadar, such question should be settled under section 50(e) read with rule 21(2) and not under section 18(2) as has been hitherto done in some districts.

3.3. The distinction between the provisions of section 50(e) and section 18(2) may be kept in mind.

4. This should be brought to the notice of all concerned.

A. K. CHAKRABORTY,
Special Officer and Ex-officio Secretary,
Board of Revenue, West Bengal.

Memo. No. 5123/1(18)-G.E.

Copy forwarded to the—

- (1) Commissioner,.....
- (2) Collector,.....

for information and necessary action.

A. K. CHAKRABORTY,
Special Officer and Ex-officio Secretary,
Board of Revenue, West Bengal.

OPERATION BARGA—CLARIFICATION No. III
GOVERNMENT OF WEST BENGAL

Office of the Board of Revenue, West Bengal
Section A, G. E. Branch

No. 5091(27)-G.E., dated Calcutta,
the 2nd May 1979.

To—

- (1) The Director of Land Records and Surveys, West Bengal.
- (2) The Additional District Magistrate (L.R.),.....
- (3) The Additional Deputy Commissioner (L.R.),.....
- (4) The Settlement Officer, Revisional Settlement Operation.....

Subject: *Recording of bargadars under section 51 of the Land Reforms Act.*

In paragraph 5 of Board's Memo No. 12504(27)-G.E., dated 5th July 1978, it was envisaged that where settlement operations are in progress, the names of the bargadars should be recorded under section 51 of the Land Reforms Act. In mauzas where "Operation Barga" will be taken up the settlement records may be in the different stages of operation. In order that the names of the bargadars may be incorporated in the records at any stage prior to final publication, the second proviso to clause 1 of Schedule A of the Land Reforms Rules has been substituted by a new proviso. This proviso *inter alia* provides that the Settlement Officer may, either on his own motion or on receipt of applications from others at any time before final publication of the records-of-rights, direct that the names of bargadars shall be incorporated in the records-of-rights by the Revenue Officer subordinate to him after holding such enquiry and after giving the persons claiming as bargadars and the owners of the land concerned such opportunity of being heard as the Revenue Officer may deem fit.

2. This amendment authorises the Revenue Officer to enquire into the petitions submitted by persons claiming themselves to be bargadars and to record their names as such in the records-of-rights at any stage of settlement proceedings prior to final publication. Also, on the authority of this amendment the Revenue Officer may record the name of a bargadar at any time in the intervening period between two distinct stages of settlement operation. This also empowers the Revenue Officer to record the name of a bargadar in the records-of-rights even during the period of draft publication. It should be noted that if a bargadar is recorded at any time during the period of draft publication there is no necessity of extending the period of publication. It should be clearly understood that the net result of this amendment is that the name of a bargadar may be recorded in the record-of-rights at any time of the settlement proceedings prior to final publication. But it should also be remembered that

recording of a bargadar's name should be preceded by a due enquiry and by an opportunity of being heard given to the landowner and the person who claims to be a bargadar.

It is requested that this may be brought to the notice of all concerned.

A. K. CHAKRABORTI,
Special Officer and Ex officio Secretary,
Board of Revenue, West Bengal.

Memo. No. 5091/1(18)-G.E.

Copy forwarded to the—

- (1) Commissioner,.....Division,
.....
- (2) District Magistrate/Deputy Commissioner,
.....

for information and necessary action.

A. K. CHAKRABORTI,
Special Officer and ex officio Secretary,
Board of Revenue, West Bengal.
Calcutta,
The 3rd May 1979.

GOVERNMENT OF WEST BENGAL

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

No. 12800(15)-G.E./480/78, dated Calcutta,
the 14th July 1978

To—The District Officers,_____

Sub: *Quick disposal of bhagchas cases*

It has come to the notice of Government that a large number of bhagchas cases have been pending with Bhagchas Officers for a pretty long time and thereby causing a great deal of hardship to the bargadars concerned. Government consider that the purpose of the relevant provisions of the West Bengal Land Reforms Act will be defeated unless those pending cases are disposed of speedily.

All Bhagchas Officers in his district may, therefore, be directed to make a special drive to ensure that all such pending cases are disposed of within a reasonable time through local enquiry. New cases to be filed should, as far as possible, be disposed of within a month from the date of filing.

All the Junior Land Reforms Officers should be instructed accordingly.

J. R. SAHA,
Secretary,
Board of Revenue, West Bengal.

Memo. No. 12800/1(70)-G.E.

Copy forwarded to the—

- (1) Commissioners,.....
Divisions.....
- (2) Additional District Magistrate (Land Reforms),_____
- (3) Subdivisional Officer,_____

for information.

J. R. SAHA,
Secretary,
Board of Revenue, West Bengal.
Calcutta,
The 14th July 1978.

GOVERNMENT OF WEST BENGAL

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

No. 8581-G.E., dated Calcutta, the 12th July 1979

To—The Additional District Magistrate (Land Reforms), Birbhum.

Subject: *Persons working under "Hateli" system of Cultivation—whether can be record as bargadar.*

Reference: *His D. O. No. 5579-L.R., dated 26th May 1979.*

The undersigned is directed to say that the Legal Adviser and Joint Secretary, Land Utilisation and Reforms and Land and Land Revenue Department, was consulted in the matter referred to in your D.O. cited above. His opinion is reproduced below:

"Persons working under 'Hateli' system who take a share of produce from any land should be recorded as bargadars in respect of those lands alone (i.e. the lands in respect of which they take share of produce). Those persons come squarely within the definition of 'bargadar' in section 2(2) of the West Bengal Land Reforms Act".

A. K. CHAKRABORTI,
Special Officer and Ex officio Secretary,
Board of Revenue, West Bengal.

Memo. No. 8581/1(93)-G.E.

Copy with a copy of D.O. No. 5579-L.R., dated 26th May 1979, from Additional District Magistrate, Birbhum, forwarded to the

- (1) Commissioner,.....Division,.....
- (2) Director of Land Records and Surveys, West Bengal (sufficient spares copies enclosed for distribution among the Charge Officers).

GOVERNMENT OF WEST BENGAL

Office of the Board of Revenue, West Bengal

Section A(I), G.E. Branch

To—The Director of Land Records and Surveys,
West Bengal.Subject : Question of Existence of bargadar on
vegetable growing land.Reference : Memo No. 635/26998-70/R/79, dated
15th June 1979, from the Settlement Officer,
24-Parganas.No. 10488-G.E./454/79, dated the 18th August
1979

the undersigned is directed to say that "bargadar" as defined in section 2(2) of the West Bengal Land Reforms Act, is not confined to persons engaged only in paddy or wheat cultivation, but those engaged in any cultivation, a share of the produce of which is delivered by the cultivation to the owner of the land, will come under the purview of the said definition. In Chapter III of the Act which deals with the matters relating to bargadars there is also no mention as to the particular produce. So, vegetable cultivation fulfilling the requirements of a bargadar are also bargadars under the law unless and until the Act is amended so as to exclude the vegetable cultivation from the purview of the Act.

Settlement Officer, 24-Parganas, may be
informed.

Illegible,

Special Officer and Ex officio Secretary,
Board of Revenue, West Bengal.

GOVERNMENT OF WEST BENGAL

Land Utilisation and Reforms and Land and Land
Revenue Department, Land Reforms BranchNo. 3047(18)-L. Ref, dated Calcutta, the 17th
August 1978To—The Additional District Magistrate (Land
Reforms/Additional Deputy Commissioner
(Land Reforms).....Subject : Use of proper designation of the officer
dealing with matters concerning bargadars.

The undersigned is directed to state that it has come to the notice of the Government that some officers do not use the correct designation while dealing with proceedings involving bargadars. In particular, it was found that one officer, passing an order in respect of bargadars, used the designation "Bhagchas Officer". The Hon'ble High Court struck down the proceedings for use of this illegal designation.

(3) District Magistrate/Deputy Commissioner,
.....(4) Additional District Magistrate/Deputy
Commissioner (Land Reforms), (sufficient
among the Junior Land Reforms
Officers),

(5) Settlement Officer.....

(6) Subdivisional Land Reforms Officer,.....,
for information and necessary action.

A. K. CHAKRABORTI.

Special Officer and Ex officio Secretary,
Board of Revenue, West Bengal.

Calcutta,

The 12th July 1979.

D.O. No. 5579-L.R., dated Suri, the 26th May 1979.

My talk with you regarding the pattern of recording of the persons tilling land under the "Hateli" system on 26th May 1979 may kindly be recalled.

The Junior Land Reforms Officer, Nanoor, has reported that the "Hateli" system of cultivation prevails in Nanoor police-station in large area. Under this system one person is engaged by a landowner to cultivate a fixed quantum of land to raise crops of different varieties thereon. In lieu of his labour he is paid some cash varying from 50P. to Re. 1 per working day along with two meals. Further he is allowed to take 50 per cent, of the produce from a fixed portion of the land included in the quantum of land he is to cultivate. He has furnished two specific cases. Those two petitions are enclosed herewith. The Land Advisory Sub-Committee of the Local Panchayat Samity acting as Block Land Reforms Advisory Committee has adopted a resolution that cultivators under the "Hateli" system should be recorded as bargadars. A copy of the said resolution is enclosed herewith.

Since the legal position on the type of treatment to be given to these cultivators is not quite clear to us an early instruction may kindly be issued as to how they should be treated under the law so that the interests of these cultivators are safeguarded at the time of preparation of the records-of-rights.

A copy of a letter received from Junior Land Reforms Officer, Nanoor, is also enclosed herewith.

With kind regards,

Yours sincerely,

N. GHOSAL,

Additional District Magistrate and
Additional Collector, Birbhum.Shri D. Bandopadhyay, I.A.S., Land Reforms
Commissioner, West Bengal.

2. In order to remove any doubt or confusion that might exist, this is to state that the term "Bhagchas Officer" is not a legal term and so it should not be used in the transaction of any official business. The correct designation shall be as follows:

- (a) while passing an order under sub-section (1) of section 17 of the West Bengal Land Reforms Act, 1955, the officer shall write his designation as "Officer under sub-section (1) of section 17 of the West Bengal Land Reforms Act, 1955";
- (b) while passing an order under sub-section (2) of the said section, the officer shall write his designation as "Prescribed authority under sub-section (2) of section (2) of section 17 of the West Bengal Land Reforms Act, 1955";
- (c) while passing an order under sub-section (1) of section 18 of the said Act, the officer shall write his designation as "Officer under sub-section (1) of section 18 of the West Bengal Land Reforms Act, 1955"; and
- (d) an officer passing an order under section 19B of the said Act shall write his designation as "Officer specially empowered under sub-section (1) of section 19B of the West Bengal Land Reforms Act, 1955".

3. It should be impressed upon the officers/authorities under Chapter III of the West Bengal Land Reforms Act, 1955, that they are not "Courts" though they exercise certain powers of a Civil Court under the Code of Civil Procedure, 1908. They should not, therefore, describe

themselves as "Courts" and so all emblems, rubber stamps, notice boards, etc., containing the word "Court" should be removed.

4. He is requested to draw the attention of all officers concerned, particularly the Junior Land Reforms Officers, so that the proper and correct designation of the officers are henceforth stated in matters concerning bargadars.

5. All the Junior Land Reforms Officers should be provided with four sets of rubber stamps of above descriptions.

T. GHOSH,
Deputy Secretary to the
Government of West Bengal.

No. 3037/1(28)-L. Ref.

Copy forwarded for information and necessary action to the—

- (1) Commissioner,.....Division.
- (2) Collector.....
- (3) Secretary, Board of Revenue, West Bengal.
- (4) Director of Land Records and Surveys, West Bengal.
- (5) Settlement Officer,.....

T. GHOSH,
Deputy Secretary to the
Government of West Bengal.

Calcutta,
The 17th August 1978.

CHAPTER IV

Exerpts from D.O. No. 4957 (41)-LRC,
dated 24th April 1978, from Land
Reforms Commissioner,
West Bengal

[To give institutional cover to the new assignees of vested lands and the share-croppers, in order to enable them snap their age-old client-patron relationship with the money-lender, the landowner and the merchant, is a task which requires collaborative effort on the part of various departments including financial institutions, both in the nationalised and co-operative sectors. We have already initiated discussions at the State level with representatives of nationalised banks to provide credit to bargadars and assignees of vested land during the coming kharif season. I shall write to you shortly about it. Obviously, the role of the Collector as a co-ordinator will come up in a big way in this major effort.]

D.O. No. 18457(6)-G.E., dated Calcutta,
the 13th November 1978

You already know the importance that the State Government attaches to the financing of the bargadars and the assignees of vested land by the banking system. You had some experience of organising bank finance in the pilot project area in your district during the last kharif season for the bargadars/vested land assignees. We have now to extend the coverage for the rabi season. The main constraints to the extension of bank credit coverage will be the availability of assured source of irrigation for the rabi crop and the winter paddy (boro). Kindly form composite teams for each block, as was done in the last occasion, for identification and sponsoring of the cases of prospective loanees from amongst the sharecroppers and assignees of vested land. Apart from giving purely short-term crop loan to these two categories of farmers, you may ask the banks to provide credit for sinking of shallow tubewell on the land belonging to a Patta-holder. There may be an objection that he will not have sufficient land in one chunk for utilising the water from his tubewell. But he can easily sell the water for irrigation purpose to his affluent neighbours and thereby augment his meagre source of income. Alternatively, if there are compact land holdings owned by several bargadars/assignees of vested lands then the possibility of sinking a shallow tubewell with joint ownership might be explored.

2. Kindly hold your District Level Co-ordination Committee meeting immediately, identify the areas where you will undertake the operation and fix the target for each bank's branch commensurate with the infrastructure facilities of the branch and the administrative support that you can give to the banking system.

3. Subdivisional Officer's should play a crucial role in launching and monitoring the programme in their respective areas. The Block Development Officer will be the key personnel to take the leadership of the composite teams

working in his block. The list of bargadars and the assignees of vested land will be prepared by the Settlement Officer and the Additional District Magistrate (Land Reforms).

4. This opportunity may be taken for intensifying "Barga Operation", for identification of genuine unrecorded bargadars and issue of certificates to them along with the scheme of financing of share-croppers. This will give a tremendous boost to the whole operation as the bargadars will see the direct benefit that flows to the recorded bargadars.

5. We have a big task ahead. In the coming kharif season we have to cover at least four lakhs new bargadars and assignees of vested land by bank finance. Our administrative machinery has to be geared up to meet the challenge. During this rabi season it has been decided to cover 140 lakh bargadars/Patta-holders in the whole State. We are leaving it to you to decide your own target. The main thrust of the programme will be to bring this target group in direct contact with the financial institutions to snap irrevocably the umbilical cord of usury that connects the exploited with the exploiter.

6. I shall be grateful if you kindly keep me informed of the action that you are taking in making bank finance available for share-croppers and assignees of vested lands for the current rabi season.

With best wishes,

Yours sincerely,

D. BANDYOPADHYAY,
Land Reforms Commissioner
and Additional Member,
Board of Revenue, West Bengal.

District Magistrate/
Deputy Commissioner.

Memo. No. 18457/1(35)-G.E.

Copy forwarded to—

- (1) Shri D. N. Ghosh, Adviser, Institutional Finance and Secretary (ex officio), Finance Department.
- (2) Shri S. K. Ghose, Secretary, Agriculture and Community Development Department.
- (3) Shri M. Bhattacharyya, Secretary, Animal Husbandry and Veterinary Services.
- (4) Shri A. K. Chatterjee, Secretary, Co-operation Department.
- (5) Shri S. P. Mallick, Secretary, Panchayat Department.
- (6) Shri B. K. Sarkar, Director of Land Records and Surveys, West Bengal. (spare copies enclosed for distribution among S.R.O.s concerned).
- (7) Shri D. K. Ghosh, Registrar, Co-operative Societies.
- (8) Shri C. R. Guha Mazumdar, Commissioner, Burdwan Division, Chinsurah.

some recorded sharecroppers and assignees of vested lands in 23 selected clusters. The experiment was by and large encouraging. The difficulties encountered were, however, of an administrative nature and at the operational level only. The Government of India, in appreciation of these difficulties, have urged on the commercial banks to strengthen their field staff with a view to accelerating the programme for the next kharif season.

3. The State Government desire to have a greater number of sharecroppers and assignees of vested lands to be covered by the next kharif season, 1979. With this end in view, 11 banks have been requested to get themselves involved in the programme. The banks have accordingly furnished a list indicating the branches from which they will operate and the number of new borrowal accounts that each branch will handle during the next kharif season, 1979. A copy of the said list has been given to the Additional District Magistrates (Land Reforms) and Settlement Officers on 21st April 1979 at the meeting held at Raj Bhavan Council Chamber. A similar copy, arranged districtwise, is being sent to the District Magistrates. We are in communication with the banks for increasing the target of financing of sharecroppers and assignees of vested lands and a supplementary list will follow.

4. The detailed administrative procedure as settled in the meeting held on 21st April 1979 for the implementation of the scheme is given below :

- (i) District Magistrates will please send the relevant portions of all the bank's list concerning each block to the respective Block Development Officers by 7th May 1979 so that the Block Development Officers in their turn can collect the required number of loan applications forms from the concerned bank branch.
- (ii) Additional District Magistrates (Land Reforms) will please send the relevant portion of the bank's list concerning each block to the respective Subdivisional Land Reforms Officers (Subdivisional Land Reforms Officers II where there is no Subdivisional Reforms Officers) by 7th May 1979, so that the Subdivisional Land Reforms Officer (Subdivisional Land Reforms Officers II where necessary) can collect the names and other particulars of sharecroppers and assignees of vested land from both Land Reforms and Settlement wings.
- (iii) Settlement Officers will please instruct their concerned Circle Officers to supply the list of such sharecroppers to the respective Subdivisional Land Reforms Officers.
- (iv) Subdivisional Land Reforms Officers (Subdivisional Reforms Officers II where necessary) will please send one copy of the said list of sharecroppers and assignees of vested lands to the concerned

bank branch and one copy to the concerned Block Development Officer by 15th May 1979.

- (v) Block Development Officers who are the Executive Officers of the Panchayat Samity will then hand over the required number of loan applications forms with the list of prospective borrowers (with particulars of sharecroppers and assignees of vested lands as received from the Subdivisional Land Reforms Officers (Subdivisional Reforms Officers II where necessary) to the concerned Gram Panchayat by 21st May 1979.
- (vi) The concerned Gram Panchayat will then ascertain the willingness of the sharecroppers and the assignees of vested lands (as per the list received by the Gram Panchayat from the Block Development Officer (Executive Officer) to take bank loans. They may consult the Panchayat Samity members wherever necessary. The Gram Panchayat will also get "No Default Certificates" from the Managers of the Co-operative Banks from the officials concerned in case of other banks. Gram Panchayat will then get the loan application forms filled in by the willing borrowers who are also not defaulters on any loan. The Gram Panchayat will then arrange to send the completed loan application forms to the respective bank's branch through the Executive Officer of the Panchayat Samity by 7th June 1979.
- (vii) Banks on receipt of the loan application forms from the Executive Officer of the Panchayat Samity will indicate the date when the Gram Panchayat or Panchayat Samity members will bring the prospective borrower to the local bank branch concerned for receiving the bank loan.
- (viii) Photographs of the borrowers may be taken at the bank's branch on the date of disbursement of the loan. Identification of the borrowers may be done by the members of the Gram Panchayat or Panchayat Samity which would present the borrowers before the bank.

5. Banks are being requested to complete necessary formalities so that the actual financing starts from 15th June 1979 and is over by 30th June 1979.

6. This issues in consultation with the Board of Revenue and the Department of Panchayat and Community Development.

7. Please acknowledge receipt of this letter.

Yours faithfully,
D. N. GHOSH

Memo. No. 194(41) Bank/1(.) /B-38/79

Copy forwarded for information and necessary section to the—

- (1) The Secretary, Development and Planning, Government of West Bengal, Raj Bhavan.
- (2) The Land Reforms Commissioner, Government of West Bengal.

- (3) The Secretary, Agriculture Department, Government of West Bengal.
- (4) The Secretary, Panchayat and Community Development Department, Government of West Bengal.
- (5) Commissioner,.....Division.,
- (6) The Secretary, Co-operation Department, Government of West Bengal.
- (7) Registrar of Co-operative Societies, Government of West Bengal, New Secretariat Building, Calcutta.
- (8) The Director of Land Records and Surveys, West Bengal, Survey Buildings, Alipore.
- (9) The Principal Agriculture Officer.....

The 27th April 1979.

D. N. GHOSH

Memo. No. 194(41) Bank/2(11)/B-38/79

Copy forwarded to for information and necessary action. Necessary directions to the concerned bank branches may kindly be issued keeping in view the above target dates. A copy of the instructions issued by the banks to its branches may also be forwarded to the District Magistrates, Additional District Magistrates (Land Records), Settlement Officer and to this Department quoting the Memo. number of this letter as reference.

The 27th April 1979.

Yours faithfully,
D. N. GHOSH.

নং ৮৪৭২ পি।এস।এম।রেভ, ৬ই জুলাই ১৯৭৯

প্রিয় সভাপতি,

বর্গাদার ও পাট্টাদারদের এই খারিফ মরসুমে ব্যাক্স ঋণ প্রদানের বিষয়ে আমি আপনাকে এই চিঠি লিখেছি। সারা পশ্চিমবঙ্গে এখন পর্যন্ত রেকর্ডভুক্ত বর্গাদারের সংখ্যা এবং সেই সঙ্গে পাট্টাপ্রাপ্ত প্রান্তিক ও ভূমিহীন কৃষকের সংখ্যা ষোল লক্ষেরও বেশি। এর মধ্যে আশি হাজার জনকে এই খারিফের সময় ব্যাক্স থেকে কৃষি ঋণ পাইয়ে দেওয়ার বন্দোবস্ত সরকার করেছেন। বুঝতেই পারছেন এই প্রকল্প এই প্রাথমিক পর্যায়ে শতকরা পাঁচজনের কাছেও পৌঁছচ্ছে না। তবুও সরকার যথাসাধ্য চেষ্টা করছেন যাতে এই প্রথম বছরেই প্রকল্পটি একটা ধাক্কা না খায় এবং ঐ আশি হাজার নির্দিষ্ট বর্গাদার ও পাট্টাদারের কাছে যথাসময়ে ঋণটি পৌঁছায়।

পশ্চিমবঙ্গের গ্রামের অর্থনীতির শোচনীয় অবস্থার সঙ্গে আপনার পরিচয় আছে। যদি এই ঋণ দ্রুত বিলি করা না যায় তাহলে বর্গাদার ও পাট্টাদারেরা এ বছরেও আবার মহাজনের জালের মধ্যে গিয়ে পড়বে এবং পুরো পরিকল্পনা ব্যর্থ হয়ে যাবে।

ইতিমধ্যে চারদিক থেকে যা খবর আসছে এবং সরকারী অফিসারেরা নানা জায়গায় ঘুরে যা দেখতে পাচ্ছেন তাতে যথেষ্ট আশঙ্কার কারণ দেখা গিয়েছে। আপনি অবশ্যই জানেন যে, ব্যাক্স ঋণের দরখাস্ত পৌঁছানোর তারিখ ২১শে জুলাই পর্যন্ত বর্ধিত করা হয়েছে। বি, ডি ও, অফিস থেকে বর্গাদার ও পাট্টাদারদের যে তালিকা আপনাদের কাছে যাচ্ছে তার থেকে বাছাই করেই নির্দিষ্ট সংখ্যক ঋণের আবেদন আপনার ব্যাক্সে পাঠিয়ে দেবেন। যদি আপনার ওখানে এমন হয়ে থাকে যে বি, ডি, ও অফিস থেকে এখনও তালিকা পান নি তা হলে অবিলম্বে তাগিদ দিয়ে সেটা আনিয়ে স্ক্রিনিং বা বাছাইয়ের কাজ শেষ করুন। অন্য দিকে যদি এমন হয়ে থাকে যে আপনাদের ওখানেই বাছাই-এর কাজে দেরি হচ্ছে, দয়া করে দেরি করবেন না, বাছাই-এর কাজ অবিলম্বে শেষ করে ব্যাক্সে তালিকা পাঠিয়ে দিন।

আমি জানি, বহু গরিবের মধ্য থেকে কয়েকজন গরিবকে বেছে নেওয়া কঠিন; তবু পঞ্চায়ত সভাপতি হিসাবে এ বিষয়ে আপনার বিশেষ দায়িত্ব ও কর্তব্য রয়েছে। যদি এই খারিফ মরসুমে অন্ততঃ ঐ আশি হাজার বর্গাদার ও পাট্টাদারকে গ্রামীণ মহাজন ও জোতদারের ঋণজাল থেকে বাইরে রাখা যায়, তবে সেই হবে পশ্চিমবঙ্গে এক গৌরবময় অধ্যায়ের সূচনা। এই মহৎ কাজে ও কর্তব্যে আমরা সবাই অংশীদার এবং আপনার সহযোগিতা সম্বন্ধে আমি নিশ্চিত।

ভবদীয়

বিনয় চৌধুরী,

মন্ত্রী,

ভূমি সন্যবহার ও সংস্কার এবং
ভূমি ও ভূমি-রাজস্ব বিভাগ,
পশ্চিমবঙ্গ সরকার।

নং ১৩১০৩(১৫)-আই।এফ, ২৫শে সেপ্টেম্বর ১৯৭৯

প্রিয় সভাপতি,

বর্গাদার ও পাট্টাদারদের খারিফ মরসুমে ব্যাক্স ঋণ প্রদানের বিষয়ে অনেক আশা ও উৎসাহ নিয়ে ইতিপূর্বে আমি আপনাদের একাধিবার চিঠি লিখেছি। কিন্তু এবারের চিঠিটি লিখতে কিছু দ্বিধা ও সংশয় অনুভব করছি।

এই চিঠির সঙ্গে আপনাদের একটি তালিকা প্রেরণ করছি বিভিন্ন জেলায় বর্গাদার ও পাট্টাদারদের এই খারিফ মরসুমে কি পরিমাণ ব্যাক্স ঋণ দেওয়া হয়েছে এবং লক্ষ্য কি নির্দিষ্ট হয়েছিল এই তালিকা তারই বিবরণী। এ ছাড়া আমাদের পরিসংখ্যান শাখা থেকে প্রকাশিত “ব্যাক্স ঋণ ও পশ্চিমবঙ্গ” নামক একটি পুস্তিকাও এই সঙ্গে আপনাকে পাঠাচ্ছি।

পশ্চিমবঙ্গের পনেরোটি জেলায় খারিফ মরসুমে ব্যাক্স ঋণ প্রদানের লক্ষ্য স্থির হয়েছিল ৭৯,৮৩৭। এই সঙ্গে প্রদত্ত বিবরণীটিতে দেখা যাচ্ছে মাত্র ৫৮,৯৪৮টি ক্ষেত্রে ঋণের দরখাস্ত ব্যাক্সে প্রেরণ সম্ভব হয়েছে। পশ্চিমবঙ্গে পাট্টাদার ও নথিভুক্ত বর্গাদারের সংখ্যা এখন সতের লক্ষ ছাড়িয়ে গেছে। সে জায়গায় আমাদের লক্ষ্য ছিল অতি সামান্য শতকরা পাঁচজনেরও কম। কিন্তু দুঃখের বিষয় আমাদের সে লক্ষ্যই পূর্ণ হয় নি, আমরা এই ঋণের সুযোগ শতকরা মাত্র তিনভাগ দরিদ্র কৃষিজীবীর হাতে পৌঁছে দিতে পেরেছি।

পশ্চিমবঙ্গে ব্যাক্স ঋণ প্রদানের বিষয়ে ব্যাক্সগুলির যথেষ্ট দায়িত্ব রয়েছে। আমাদের এই পুস্তিকাটিতে দেখা যাবে তাঁরা তাদের দায়িত্ব হয়তো ঠিকমত পালন করছেন না। কিন্তু আমরা কেন পারলাম না, আমরা কেন ব্যর্থ হলাম আমাদের অভীষ্ট লক্ষ্যে পৌঁছাতে যে লক্ষ্যটুকু পূর্ণ করতে ব্যাক্সে রাজি হয়েছিলেন এবং যা ছিল নিতান্তই সামান্য।

কোনও কোনও জেলায় যেখানে আমরা উৎসাহী পঞ্চায়তের পূর্ণ সহযোগিতা পেয়েছি সেখানে কিন্তু লক্ষ্যে পৌঁছানো কঠিন হয় নি। বস্তুতঃ শেষ পর্যন্ত আমরা বিশ্বাস ছিল পঞ্চায়তের সাহায্যে এই সামান্য লক্ষ্যে পৌঁছানো নিশ্চয়ই অসম্ভব হবে না।

সে যা হোক সামনে রবি মরসুম আসছে। আমি সে সমস্ত আবার আপনাদের দারস্থ হব, আপনাদের কাছে অনুরোধ, বর্তমান মরসুমের অভিজ্ঞতার ভিত্তিতে আগামী মরসুমে যেন ঋণ প্রদানের লক্ষ্য পূরণ করতে আর অসুবিধা না হয়। আমি যথাসময়ে আপনাদের বিস্তারিত জানাব।

আর একটা কথা, যারা ব্যাক্স ঋণ নিয়েছেন তাঁরা যেন প্রকৃতই কৃষি উৎপাদনের জন্যে এই অর্থ ব্যয় করেন। এ বিষয়ে ঋণগ্রহীতাদের সচেতন করে দেবার দায়িত্ব আমাদের প্রত্যেকের, তা ছাড়া যথাসময়ে ঋণ শোধ দিলে সুদের ভার সরকার বহন করবেন এ কথাও সবাইকে স্মরণ করিয়ে দেওয়া দরকার। এই দুটি বিষয়েও আমি আপনার সহযোগিতা চাইছি।

কোনও জিজ্ঞাসা থাকলে আমাকে সরাসরি লিখতে দ্বিধা করবেন না। ইতি—

বিনীত

বিনয় চৌধুরী,

মন্ত্রী,

ভূমি সন্ধান ও সংস্কার এবং
ভূমি ও ভূমি-রাজস্ব বিভাগ,
পশ্চিমবঙ্গ সরকার।

আন্তঃকালিক

বর্গাদার ও পাট্টাদারদের ১৯৭৯ সনের খরিফ মরসুমে ঋণদান কর্মসূচীর বিবরণ

(৩১শে আগস্ট ১৯৭৯ পর্যন্ত)

জিলার নাম	লক্ষ্য	পঞ্চায়ত কর্তৃক নির্বাচিত এবং চূড়ান্তভাবে ব্যাক্স প্রেরিত পাট্টাদার ও বর্গাদারদের সংখ্যা	দেয় ঋণের পরিমাণ টাকা
(১) ২৪-পরগনা ..	৮,৩৫০	২,৫০০	প্রতিবেদন পাওয়া যায় নাই।
(২) হাওড়া ..	১,৬৯৫	২৫৩	..
(৩) মুর্শিদাবাদ ..	৭,৫০০	৯,২৯৩	২০,৫৬,০০০
(৪) নদিয়া ..	৭,৯৭০	৬,৮৩৪	প্রতিবেদন পাওয়া যায় নাই।
(৫) বর্ধমান ..	১১,৯৬০	৮,০০০	..
(৬) হুগলি ..	৭,২৫৭	১,২২৩	৩,৬৭,০৭০.৭৪
(৭) বীরভূম ..	৬,৩৫০	৫,৭৮৩	৪,৩৭,৯৮৫
(৮) বাঁকুড়া ..	৩,৯৯৫	৩,৪৮৪	৩,৪৬,৯৬৪
(৯) পুরুলিয়া ..	১,৬২৫	১,৮৯২	১,৯৩,৬১৫
(১০) মেদিনীপুর ..	৪,১৮৩	২,০৮৩	প্রতিবেদন পাওয়া যায় নাই।
(১১) দার্জিলিং ..	১,১১০	৫৪৮	..
(১২) কোচবিহার ..	৭,১৩৭	৭,০১৪	..
(১৩) পশ্চিম দিনাজপুর ..	৪,৭৭০	৪,৪৯৭	১০,৬১,০০০
(১৪) মালদা ..	৩,৭৭৫	৪,৮৮৪	প্রতিবেদন পাওয়া যায় নাই।
(১৫) জলপাইগুড়ি ..	২,১৬০	৬৬০	..
	৭৯,৮৩৭	৫৮,৯৪৮	

D. O. No. F-2-97/78-AC/1290/VIP/FM/79,
September 25, 1979

My dear Jyoti Basu,

As you are no doubt aware, the public sector banks have been advised by us in the past to strengthen, wherever necessary, their field staff and maintain better co-ordination with the State agencies so that the programme of financing the share-croppers gets necessary acceleration.

2. It has been reported by the Reserve Bank that during a meeting the State Government officials had with representatives of banks some time ago for finalising the programme of financing the share-croppers, the banks representatives had agreed to finance about 75,000 farmers through their branches. It is quite likely that some banks may be facing difficulties in advancing loans to such share-croppers. For example, against the target of 4,455 recorded share-croppers and assignees of vested lands to be financed through 72 rural branches of the United Commercial Bank, the Gram Panchayats had sponsored only 3,323 loan applications of the targeted groups till the end of August 1979. While this may not be regarded as a large shortfall, it illustrates the nature of the problem facing the banks. The United Commercial Bank was able to finance 2,686 farmers; of the remaining, some were having dues with other financial institutions or were not interested in getting credit.

3. While we propose to advise the banks, once again to maintain close liaison with the local State Government officials and to ensure that a larger number of share-croppers are covered by them, you may also like to issue suitable instructions to the State Government agencies to expedite recording of unrecorded share-croppers in the State and to render all possible assistance to the banks in identifying such share-croppers.

With best regards,

Yours Sincerely,
H. N. BAHUGUNA,
Finance Minister, India.

Shri Jyoti Basu,
Chief Minister, West Bengal.

D. O. No. FDM/364/79, dated October 16, 1979

Dear Shri Bahuguna,

May I refer to your D.O. letter No. F-2-97/78-AC/1290/VIP/FM/79, dated September 25, 1979, to our Chief Minister, as well as our discussions in New Delhi on October 14, 1979?

I appreciate the concern of the Union Government for the rural poor in our State. We consider land reforms as the basic element in any purposive plan of rural development. That is why we have launched a programme—the "Operation Barga"—for massive recording of the names of share-croppers within a short time span. Similarly, we have launched a drive, with the help of the Panchayat organisations,

distributing immediately agricultural land declared as surplus consequent to the enforcement of land ceiling legislation. Though the progress so far has not been to our entire satisfaction, we have been able to record approximately 7,50,000 share-croppers through the "Operation Barga". Landed interests are opposing this programme openly, and are resisting it through diverse means, including recourse to the judicial process. But we are determined to push the programme through.

Mere recording the names of share-croppers would not however help them much, unless institutional credit could be made available to them. Hence we wanted to cover at least 4,00,000 share-croppers and assignees of vested lands during the current kharif season by advances from the commercial banks. After a lot of persuasion, the managements of the banks at the State level agreed to open 79,837 new borrowal accounts for share-croppers and assignees of vested lands. Though the coverage was rather low, since the banks would do no more, we agreed.

You mentioned that there has been some shortfall in sponsoring applications to the commercial banks. We are aware of it. Up to 31st August 1979 the Panchayats could sponsor 59,948 loan applications. The inability of the banks to cover the bulk of the share-croppers left the Panchayats with the difficult task of selecting a few from amongst the deserving many. But that was not an insurmountable impediment. Reports we have received—both from Panchayat and official sources—indicate that the experience with the banks at the operational level in most cases was rather exasperating. I would not burden you with all the details of what had happened, but would enumerate a few points to show what problems were faced in sponsoring cases of deserving share-croppers.

It was left to the banks to suggest the area as well as the number of share-croppers and assignees of vested lands to be covered. The areas picked up by the banks were not always the areas where there was heavy concentration of share-croppers and assignees of vested lands. Requests were made to the banks to adopt a flexible attitude about the area of operation, so that deserving people near the periphery of the "adopted" areas could be covered. Some banks agreed, others did not, and even those who did often failed to communicate the message down the line, resulting in the exclusion of a large number of eligible beneficiaries.

Though the kharif cultivation is primarily a rain-fed one, a large number of Branch Managers of banks insisted on financing only in the irrigated areas.

Even though, at the State level, the management of banks did not insist on any collateral security or guarantors, a number of Branch Managers demanded such collateral, thereby frustrating the effort of the Panchayats and Revenue Officers in sponsoring loan cases. Some of the banks took the decision to finance only those share-croppers and assignees of vested lands who were members of Primary Agricultural Credit Societies. This stance created a lot of problem; in many cases applications could not be sponsored because potential beneficiaries were not members of such societies.

Further, it was agreed at the State level that default of any Government dues by any share-croppers or assignees should not be treated as institutional credit

D.O. No. 13782(15)-G.E., dated Calcutta,
the 23rd October 1979

default; many Bank Managers however demanded certificates from revenue officials to the effect that the applicants did not have any Government dues. When the kharif lending programme was finalised in April 1979 in consultation with the participating banks, these questions had not been raised by them. I would not increase the number of such illustrations, but I would end up by citing an absurd case where Managers of a particular bank in a particular district insisted that the share-croppers should be below 50 years of age to be eligible for loans.

While continuous efforts were being made at the district and the State levels to sort out the various problems, real or imaginary, raised by the management of banks at different tiers, the bankers as a whole took a most negative attitude soon after a Single Bench Judgment of the Calcutta High Court was reported in the language press questioning the validity of the certificate given to the sharecroppers during "Operation Barga". The judgment did not question the validity of the law or the procedure of recording of share-croppers as laid down in the law and the rules. But for a while bankers as a whole almost refused to do anything further regarding the financing of share-croppers. It took about a month to explain to the banks the exact legal import of the judgment, against which the State Government immediately preferred an appeal. Valuable time was lost, which seriously affected the progress of the programme.

It is not my intention to make a complaint and I hope you will not take it as such. But there is a basic attitudinal problem with the management of some of the banks when they are asked to finance small men in large numbers accustomed as they are to finance big men in small numbers. It is, perhaps, for the first time in India that the nationalised commercial banks and the State Bank of India have been made to finance the poorest of the poor in the rural sector in such a large number under the aegis of a State Government. We are most serious about this programme. We have introduced a "zero rate of interest" scheme whereby we are subsidising the entire interest on such loans given by the banks provided the share-croppers and the assignees return the advances within the stipulated period. The district officials and the Panchayat bodies have been advised to help the banks in every possible way both in screening and sponsoring loan applications as well as for recovering these loans in time.

Now that you are taking so much interest in the scheme, I hope your Ministry would advise the banks to make up the shortfall of 20,000 borrowal accounts in the coming rabi season and to take a more realistic view on the scale of finance. I also hope to have your assurance that the banks would continue with this scheme as an on-going programme in the subsequent seasons too. We want to cover the bulk of the share-croppers and the assignees of vested land by bank finance and thereby irreversibly rupture their ties with the rural exploiters—the landowners and the mahajans.

With regards,

Yours sincerely,
ASHOK MITRA,

Minister, Finance, Development
and Planning and Excise,
West Bengal.

Shri H. N. Bahuguna,
Union Finance Minister.

My dear

I am enclosing a statement showing the targets suggested by the banks and the number of loan applications sponsored till date by the Panchayats in your district. The statement shows that excepting a few districts there has been a general failure to fulfil the target. The target was only 5 per cent. of the target group which now numbers more than 17,00,000.

Perhaps you will agree with me that we should not have failed at least in sponsoring cases to the banks. As apprehended, the banks have mounted an offensive stating that the State Government failed to achieve the minimal target fixed by them. Mr. H. N. Bahuguna, former Finance Minister, recently wrote a letter to the Chief Minister very politely pointing out that the State Government could not sponsor loan applications which banks agreed to finance. I am enclosing a copy of the letter along with the copy of the reply sent by our Finance Minister to him. Though in our letter we have shown how difficult it was for the district officers and the Panchayat functionaries to implement the scheme because of apparent unwillingness on the part of many bank functionaries at different levels, the fact remains we failed.

Our Minister had written twice to the Sabhadhipaties and Sabhapaties bringing to their notice the utmost importance of the scheme and requesting them to do their best to fulfil their target. I am also aware of the efforts that you all made. Failure indicates that there has been somewhere a gap in our efforts which requires to be cured. Since the scheme is going to be an on-going programme of the banks, would you kindly impress upon your officers as well as top functionaries of the Panchayati institutions the need to fulfil the targets that would be set in future so that we may cover a major segment of the poorer sections of the rural community by bank finance?

Yours sincerely,

D. BANDYOPADHYAY,

Land Reforms Commissioner and Secretary
(ex officio, Land Utilisation and Reforms
and Land and Land Revenue Department.

All Collectors.

Memo. No. 13782/1(116)-I.F.

Copy forwarded to—

- (1) Shri B. K. Sarkar, Director of Land Reforms and Survey, West Bengal.
- (2) _____
Settlement Officer, _____.
- (3) _____
Additional District Magistrate (Land Reforms)/
Additional District Commissioner (Land Reforms), _____.
- (4) Subdivisional Officer, _____.
- (5) Charge Officer (Settlement), _____.

(Sd.) ILLEGIBLE,

For Land Reforms Commissioner,
West Bengal.

Calcutta,

The 23rd October 1979.

Interest Subsidy Scheme in respect of share-croppers, small farmers and self-employed persons

1. For the purpose of the Scheme, the following terms are defined as under :

- (a) "Share-cropper" means any person who does not own land but cultivates land owned by the other person(s) on product sharing basis and whose name is recorded on the records-of-rights, i.e., "Parchas" issued by the Land Revenue Department of the State Government.
- (b) "Small Farmer" means a person who holds land for any agricultural purpose up to four acres of irrigated land or six acres of unirrigated land.
- (c) "Self-employed" means any person who is engaged in any gainful vocation/trade/productive activity and his family income from all sources does not exceed Rs. 5,000 per annum in urban or semi-urban area or Rs. 3,000 in rural areas.
- (d) "Credit facility" means any loan or advance granted :
 - (i) to any share-cropper for financing seasonal agricultural operation, reclamation or improvement of land, the construction or depending of irrigation wells, the installation of pumpsets for drawing water, the purchase of cattle machinery or equipment or the acquisition of any other capital assets and for meeting the working capital requirements in respect of agricultural operations and also such activities as animal husbandry, poultry farming, dairy farming, pisciculture or sericulture.
 - (ii) to any small farmer for financing reclamation or improvement of land, raising of second crop (in cases where no such crop was raised earlier) in consequence of permanent improvement affected in land, installation of pumpsets for drawing water, purchase of cattle, machinery or equipment or the acquisition of any other capital assets and also such activities as animal husbandry, poultry farming, dairy farming, pisciculture or sericulture.
 - (iii) to any self-employed for financing purchase of equipment, or repair or renovating of the existing equipment or repairing the business premises or for purchasing tools or for working capital.

Provided that the maximum amount of facility does not exceed Rs. 2,000 for working capital requirements and Rs. 5,000 for capital expenditure as mentioned above.

- (e) "Credit institution" means any Scheduled Commercial Bank, State Bank of India and any of its subsidiaries, any Co-operative Bank, any Regional Rural Bank and any adopted/sponsored Co-operative Society including Farmer Service Co-operative Society and Large Sized Multipurpose Co-operative Society.

2. The decision of credit agency with regard to eligibility of a borrower to interest subsidy under the scheme will be based on the following factors :—

- (a) In case of share-croppers—production of Parchas, i.e., records-of-rights, issued by Land and Revenue Department of the State Government.
- (b) In case of small farmer—submission of a declaration (as per Form I) by the borrower that his land holding for agriculture purposes does not exceed four acres of irrigated land or six acres of unirrigated land and only certified by SEDA authority or any other authority nominated by the State Government.
- (c) In case of self-employed—
 - (i) submission of a declaration (as per Form II) by the borrower that his income from all sources does not exceed Rs. 5,000 or Rs. 3,000 per annum as the case may be (in case of urban or semi-urban areas Rs. 5,000 and in case of rural areas Rs. 3,000 per annum).
 - (ii) credit facilities granted by the credit institution does not exceed Rs. 2,000 for working capital and Rs. 5,000 for capital expenditure.

It is further clarified that in the matter of determining eligibility of abovementioned types of borrowing for interest subsidy under the scheme, the credit institution will solely depend upon above factors as mentioned in 2(a), 2(b), 2(c) above.

3. The rate of subsidy will be :

- (a) entire amount of interest charged by credit institution on credit facility to share-cropper and small farmer ; and
- (b) fifty per cent. of the interest charged by credit institution on credit facility to self-employed.

It is clarified that subsidy will be in respect of interest only and other incidental charges, etc., if any, will be outside the purview of the scheme.

4. It is the borrower and not the credit institution who is eligible for interest subsidy under the scheme. Therefore, the credit institution will, as usual and in normal course, charge the normal rate of interest as may be decided by it from time to time to the borrowing accounts covered under the scheme and recover interest from respective borrowers in due course as per usual practice. However, the credit institution, as a measure of service to the borrowers, will claim and collect interest subsidy at half year by intervals as on 30th June and 31st December every year, from the State Government and credit the same to borrowers' loan accounts (in case where the balances in term loans are still outstanding) or savings accounts (in cases where loans have been completely adjusted), as the case may be.

5. The borrower will be eligible for interest subsidy during the half year claim period (January to June and July to December) in which all instalments due as per repayment programme made out at the time of grant of loan or rescheduled repayment programme as chalked out during the currency of loan, have been

paid irrespective of the fact whether one or more instalments were paid late. The only criterion is that at the time of making claim as on 30th June or 31st December, all instalments due up to that time should have been paid.

In case of crop loan, the borrower will be eligible for interest subsidy if it has been paid on due date as per rules of the bank or as per rescheduled due date determined by the bank. To make the position clear, some illustrations are given below :

- (i) A self-employed is given a loan of Rs. 4,800 payable in 24 equal monthly instalments of Rs. 200 each, repayment to start from January 1979. Repayment is made as under :
- (a) Up to June 1979 .. six instalments are paid
 (b) Up to Dec. 1979 .. four instalments are paid
 (c) Up to June 1980 .. eight instalments are paid
 (d) During the half year ending December 1980, borrower gets into financial difficulty and credit institution agrees to reschedule the payment programme and agrees to recover balance loan amount of Rs. 1,200 in four quarterly instalments of Rs. 400 each and borrower pays two quarterly instalments up to December 1980 and one quarterly instalment up to June 1981.

In the above case, claim for interest subsidy will be made as under :

Claim Period	Claim Amount
June 1979 ..	Interest charged during the period from grant of loan to 30th June 1979.
December 1979 ..	No claim
June 1980 ..	Interest charge during 1st July 1979 to 30th June 1980.
December 1980 ..	Interest charged during 1st July 1980 to 31st December 1980.
June 1981 ..	Interest charged during 1st January 1981 to date of adjustment of loan.

- (ii) A farmer is granted crop loan of Rs. 500 payable in September 1978 but the loan is repaid in December 1978 as per reschedule due date.

In this case, claim for full interest charged will be made while submitting claim for half year ended December 1978.

6. The State Government will nominate competent authority at district level (such as D.M./P.A.O./D.I.O.) to deal with the drawing and disbursement of interest subsidy under this scheme.

- (i) Each bank through a nominated link branch having its office at district headquarters shall present to consolidated list of claims on account of interest accrued/charged covering all branches of the particular bank in the district.
- (ii) The competent authority of the Government nominated under (i) above after receiving the consolidated list of claims from the link branches

of all the banks concerned will prepare bills bankwise and present the same to the Treasury Officer with the request to issue crossed cheques in favour of the link branches nominated by the banks in accordance with (i) above ; the said competent authority will collect the cheques from the Treasury and arrange to send the same to the link branches concerned. This will apply in the case of the districts where the cheque system of payment is in operation. Where the cheque system of payment is yet to be introduced, the competent authority will prepare bills and get it passed by the Treasury Officer with endorsement in favour of the link branches concerned. After Treasury Officer has given pay order, the bills will be handed over to the competent authority who will then send the bills to the link branches concerned for encashment from the State Bank.

- (iii) An application for the payment of the subsidy under the scheme will be made by the credit institution at the end of each half year ending June and December. This claim will be made by individual branches/offices of the credit institution concerned who will forward applications in the prescribed form (as per Form III) to the competent authority as soon as possible after the end of the relevant half year.
- (iv) The claim in respect of Co-operative Societies will be preferred by the Manager/Branch Manager of the Central Co-operative Bank in whose jurisdiction the Society operates. However, in respect of Co-operative Societies adopted by Commercial Banks, their claims for the interest subsidy will be forwarded by the respective branch of the bank to when they are ceded. In such cases, the responsibility with regard to the correctness of the claim will be entirely of the Co-operative Society concerned.

7. After the credit institution has credited interest subsidy to the loan/savings account (as the case may be) of the borrower, it will not be a party to a dispute arising about the validity of claim on any ground whatsoever.

8. The scheme will be applicable in respect of advances disbursed on or after 1st July, 1978.

9. The State Government reserves the right to modify, alter or amend any or all of these rules in such manner as it may deem fit.

FORM I

Declaration by "Farmer" under West Bengal Government Subsidy Scheme

I,

son of Shri.

aged years, residing at

....., Post Office

district being desirous of availing myself of financial assistance from the

..... situated at

make this declaration that my land holding for any agricultural purpose does not exceed four acres of irrigated land or six acres of unirrigated land.

Date :

Place :

(Signature of Declarant)

GOVERNMENT OF WEST BENGAL

**Finance Department
Banking Branch**

No. 239(39)-Bank/B-98/78, dated Calcutta, the 21st
May 1979

From—Shri N. K. ZUTSHI, Deputy Secretary.

To—District Magistrate/Deputy Commissioner,

Sir,

In connection with Interest Subsidy Scheme clarifications have been sought for from time to time by officials of Banks and Government. All these queries along with their answers are enclosed herewith for your information.

Yours faithfully,

N. K. ZUTSHI,
Deputy Secretary.

Encl : As stated above.

Queries and suggested answers

Q. 1. From District Magistrate, Midnapore (cp. 66).

(i) Is there any limit to the number of people eligible in each district for the Interest Subsidy Scheme?

A.(i) There is no limit. All persons found eligible under clauses (a), (b), (c). The types of credit facilities which will entitle the borrower to interest subsidy are specified in clauses 1(d)(i), (ii) and (iii);

Q.2. From Additional District Magistrate, Midnapore (cp. 67)

(i) Nomination of authority for determining small farmers.

(ii) Clarification on Parchas.

A.2(i) The Junior Land Reforms Officer or any other officer in the district nominated by the Collector in this regard may issue the certificates.

A.2(ii) Parchas mentioned in Interest Subsidy Scheme should include certificates given by Revenue Officer under sections 50-51 of the West Bengal Land Reforms Act in respect of bargadars.

Q.3. From District Magistrate, West Dinajpur (1p. 78-79)

(i) Who will draw and disburse interest subsidy under the scheme?

(ii) Which of the two definitions given in SFDA Scheme and Interest Subsidy Scheme "small farmers" is to be taken into account?

(iii) Whether persons (small farmers) getting subsidy through SFDA/IRD Scheme are entitled also to get subsidy under the Interest Subsidy Scheme.

(iv) If a small farmer who is a member of a primary society will be entitled to receive subsidy for the interest therefor.

If so, whether the society in turn will place the claim for disbursement of the subsidy.

(v) It has been suggested that the entire season should be covered instead of a particular date, i.e., 1st July 1978.

A.3(i) District Magistrate/Deputy Commissioner of each district will act as Drawing and Disbursing Officer. In this connection Finance Department (Banking Group) Memo No. 204-Bank/B-98/78, dated 7th October 1978, may be referred to.

A.3(ii) Definition given at clause 1(b) of the Interest Subsidy Scheme will be applicable here.

A.3(iii) Yes.

A.3(iv) In terms of clause 4 of the Interest Subsidy Scheme, the individual borrower and not the credit institution is eligible for the Interest Subsidy. However, the procedure for claiming subsidy in respect of these persons will be governed by clause 4 of the Interest Subsidy Scheme.

A. 3(v) The benefits given under the Interest Subsidy Scheme cannot be given retrospective effect.

Q. 4. From Bank of India (cp. 80)

(i) The name of the appropriate authority who will issue certificates as regards small farmer in the districts where SFDA is not functioning.

(ii) Whether the borrowers of Calcutta Metropolitan and Howrah Industrial area will also be considered under the scheme.

A. 4(i) The Junior Land Reforms Officer or any other officer in district nominated by the Collector in this regard will issue certificates.

A. 4(ii) The scheme is meant for the entire State of West Bengal.

Q.5. From Indian Overseas Bank (cp. 81)

(i) Whether there is any limit to the amount of loan that can be granted under Interest Subsidy Scheme to the small farmers and share-croppers?

(ii) Whether there is any limit on drawal of Interest Subsidy Scheme by the Drainwg and Disbursing Officer?

A. 5(i) So far Interest Subsidy Scheme is concerned maximum amount of credit facility should not exceed Rs. 2,000.00 for Working Capital requirements and Rs. 5,000.00 for Capital Expenditure as stated in clause 1(D) of Interest Subsidy Scheme.

A. 5(ii) There is no such limit. It has been clearly mentioned in paragraph 3 of G.O. No. 204-Bank/B-98/78 of 7th October 1978 that the amount of interest subsidy may be drawn without allotment of fund

GOVERNMENT OF WEST BENGAL

Finance Department
Banking Branch

No. 355(15)-Bank, dated Calcutta, the 10th July 1979
From—Shri P. K. BANERJI, Joint Secretary,

To—The District Magistrate/Deputy Commissioner,

Subject : *Interest Subsidy Scheme.*

Sir,

I am directed by order of the Governor to refer to this Department Circular letter No. 306(32)-Bank, dated 12th October 1978, enclosing a copy of the Interest Subsidy Scheme in respect of share-croppers, small farmers and self-employed persons and to state that with a view to removing certain operational difficulties, the Governor has been pleased to modify the scheme in the manner prescribed below :

Paragraph 4 to be entirely substituted as under :

“4. In May and November every year, link branches of banks will submit advance claims of interest subsidy under this scheme pertaining to periods January-June and July-December respectively to the competent authority in Form No. III mentioning total amount of interest due on loans to the eligible category of borrowers.”

2. On receipt of the claim from the link branch, as aforesaid, the competent authority will place, at the disposal of the said branch, 75 per cent. of the amount claimed, whereafter, the link branch receiving allotment, will adjust the amount of interest recoverable from the borrower concerned so that the borrower is thereby relieved of the payment of interest to the extent of subsidy sanctioned in his favour under this scheme.

3. The link bank branches will submit supplementary claims under this scheme to the “competent authority” if the amount allotted as aforesaid is not found adequate to meet all the interest charges of all the eligible borrowers; and, if there is surplus, that surplus, after adjustment, may be carried over for adjustment during the subsequent period with the approval of the Government.

4. The “competent authority”, upon receipt of the supplementary claim, will immediately obtain funds for the purpose from Government and arrange to pay the required sum to the respective link Bank branches.

Form III attached to the Interest Subsidy Scheme may be modified in the following manner :—

The words “to be” to be inserted between the words “Amount of Interest” and “charged” and in the certificate portion, against item (iv) the words “to be” inserted between the words “amount” and “debited to borrowers accounts”.

5. Clause (v) of the Certificate in Form III will be deemed to have been omitted.

6. The link Bank branches will submit utilisation certificates in respect of funds for interest subsidy, placed at their disposal, to the “competent authority”.

Yours faithfully,

P. K. BANERJI,
Joint Secretary.

No. 355/15(16)-Bank

Copy forwarded for information to—

Finance (Banking) Department,
Calcutta,
The 10th July 1979.

P. K. BANERJI,
Joint Secretary.

No. 355(15)/16/(1)-Bank

Copy forwarded to the Finance (Budget) Department for information.

Finance (Banking) Department,
Calcutta,
The 10th July 1979.

P. K. BANERJI,
Joint Secretary.

GOVERNMENT OF WEST BENGAL

Finance Department
Banking Branch

No. 356-Bank, dated Calcutta, the 10th July 1979

From—Shri P. K. BANERJI, Joint Secretary,
To—The Accountant-General, West Bengal.

Subject : *Interest Subsidy Scheme.*

Sir,

I am directed to invite a reference to Government order No. 204-Bank, dated 7th October, 1978 regarding Interest Subsidy Scheme introduced by Government with effect from 1st July, 1978 in respect of share-croppers small farmers and self-employed persons with a view to relieving them of the burden of interest payment if the loans taken by them from credit institutions are repaid in time on normal terms and conditions.

2. I am, therefore, directed by order of the Governor to say that the Governor has been pleased to sanction funds amounting to Rs. 4.75 lakh (Rupees four lakh and seventy-five thousand) for expenditure under the Interest Subsidy Scheme circulated with letter No. 206-Bank, dated 12th October 1978 (a copy of which has already been furnished to him) for the half-year ended the 30th June 1979, as detailed below :

	Rs.
(1) District Magistrate, Burdwan ..	25,000
(2) District Magistrate, 24-Parganas ..	50,000
(3) District Magistrate, Midnapore ..	50,000
(4) District Magistrate, Howrah ..	50,000
(5) District Magistrate, Hooghly ..	50,000
(6) District Magistrate, Nadia ..	25,000
(7) District Magistrate, Murshidabad ..	25,000
(8) District Magistrate, West Dinajpur ..	25,000
(9) District Magistrate, Malda ..	25,000
(10) District Magistrate, Bankura ..	25,000
(11) District Magistrate, Birbhum ..	25,000
(12) Deputy Commissioner, Darjeeling ..	25,000
(13) Deputy Commissioner, Jalpaiguri ..	25,000
(14) Deputy Commissioner, Cooch Behar ..	25,000
(15) Deputy Commissioner, Purulia ..	25,000

4,75,000

3. The charges on account of interest subsidy will proceed against the head "Subsidies for Interest Liabilities in respect of Share-croppers, Small Farmers and Self-employed Persons—Grants-in-aid/Contribution, etc." the opening of which was already sanctioned under G.O. No. 204-Bank, dated 7th October, 1978, under the head "295—Other Social and Community Services—V—Other Expenditure—Non-Plan". Funds under the abovementioned head will be provided by reappropriation or otherwise in due course to cover the current year's charge.

4. As per the Interest Subsidy Scheme the link branches of the respective banks will submit claims to the competent authority, the District Magistrate/Deputy Commissioners concerned, who will place at the disposal of the concerned link bank branch, submitting the claims, funds for the purpose.

5. The District Magistrate/Deputy Commissioner of the respective district is hereby declared as the Drawing and Disbursing Officer for the purpose of interest subsidy under the scheme.

Yours faithfully,
P. K. BANERJI,
Joint Secretary.

No. 356/1/(51)-Bank

Copy forwarded for information and necessary action to—

- (1) The District Magistrate/Deputy Commissioner,
.....

If further funds are required, it should be justified with reference to actual up-to-date expenditure and anticipated requirement under the scheme.

- (2) Bank.....
.....
.....
- (3) Development and Planning Department,
Government of West Bengal, Raj Bhavan,
Calcutta-700001.
- (4) Agriculture Department, Government of West
Bengal, Writers' Buildings, Calcutta.
- (5) Co-operation Department, Government of West
Bengal, Writers' Buildings, Calcutta.
- (6) Panchayat and Community Development
Department, Government of West Bengal,
Writers' Buildings, Calcutta.
- (7) The Pay and Accounts Officer, Calcutta Pay
and Accounts Office, Civil Defence Buildings,
82/2/2 Phears Lane, Calcutta-700012.
- (8) Treasury Officer,.....
.....

Finance (Banking) Department,
Calcutta,
The 10th July 1979.

P. K. BANERJI,
Joint Secretary.

No. 356/1/(51)/1-Bank

Copy forwarded to the Finance (Budget) Department,
Government of West Bengal, Writers' Buildings, Cal-
cutta, for information.

Finance (Banking) Department,
Calcutta,
The 10th July 1979.

P. K. BANERJI,
Joint Secretary.

CHAPTER V

GOVERNMENT OF WEST BENGAL

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

No. 15714(30) Estt. (Comp.), dated Calcutta, the 3rd
December 1979

To—

- (1) The Additional District Magistrate (Land Reforms)/(Comp.),.....
- (2) The District Compensation Officer,.....

Subject : *Simplification of procedure for payment of compensation to the low and middle income group of intermediaries under the Estates Acquisition Act.*

The undersigned is directed to say that Government have decided to simplify the procedure for payment of compensation to the low and middle income group of intermediaries, i.e., whose net annual income did not exceed Rs. 5,000 (i.e., total compensation Rs. 70,000).

2. The Board of Revenue has accordingly been pleased to lay down the following procedure for making payment of compensation to the intermediaries whose net annual income did not exceed Rs. 5,000 :—

- (i) Instead of obtaining information and details of all arrear Government dues, viz., land revenue, cesses, taxes, etc., recoverable under section 7 in respect of an intermediary, a certain percentage of the total compensation excluding interest charges may be deducted, viz., 2 per cent. of the total compensation in the case of net annual income not exceeding Rs. 250 and 5 per cent. of the total compensation in the case of net annual income exceeding Rs. 250 but not exceeding Rs. 5,000.
- (ii) The amount so deducted shall be credited by Treasury challan by the Compensation Officer to the Land Revenue Receipt Budget (029—Land Revenue) and not in the Suspense Account. A certificate of such deductions shall be communicated to all concerned.
- (iii) Priorities for such adjustments shall be as laid down in section 26(2) of the Estates Acquisition Act.
- (iv) Such payments shall, however, be made subject to execution and registration of an indemnity bond by the intermediary to the effect that if there be any balance of arrear Government dues left unrecovered from him, Government shall have the right to recover the balance amount as an arrear of land revenue under the Public Demands Recovery Act. The indemnity bond shall be presented before the Compensation Officer for acceptance before registration. Payment need not be

held up till receipt of the original registered bond, such payment being made on the basis of the certified copy of the bond. Further, where the total compensation does not exceed Rs. 250, indemnity bond need not be insisted upon.

- (v) The above procedure shall not apply to cases: (a) hit by Civil Rule or Civil Suit, (b) cases covered by proviso to section 7(1) and (c) cases with net annual income above Rs. 5,000.
- (vi) In respect of the Compensation Assessment Rolls covered by surplus vested land and not hit by Civil Rule/Civil Suit, payment need not be deferred till receipt of the possession certificate from the Junior Land Reforms Officer.
- (vii) Payment shall be made after the ex-intermediary concerned have duly sworn affidavit and also executed a registered indemnity bond stating that (a) he has surrendered possession of the lands as per schedule shown in the Compensation Assessment Roll; (b) he has not filed any Civil Suit or Civil Rule nor he shall ever file any rule or suit challenging vesting of such land; and (c) he has not settled or transferred any portion of such land with any one else after the date of vesting which may attract the provisions of section 25(3A) of the Estates Acquisition Act.
- (viii) Indemnity bond need not be insisted upon where total compensation does not exceed Rs. 250.
- (ix) The form of affidavit and indemnity bond has been settled by the Board of Revenue, indemnity bond shall be presented before the Compensation Officer for acceptance before registration.
- (x) Damage fee in respect of surplus land shall be assessed by the Compensation Officer acting as Collector at the rate of Rs. 10 per acre up to the date of enforcement of amended section 10(6) of the Estates Acquisition Act, i.e., up to 29th June 1975 and realised from the compensation money.
- (xi) There may be cases where such lands were taken possession of or yet to be taken possession of (after 29th June 1975). With a view to safeguarding the interest of Government an indemnity bond may be obtained from the intermediary to the effect that the damage fee, if any recoverable, shall be realised from him as a public demand under the Public Demands Recovery Act. The form of indemnity bond has been settled by the Board of Revenue.
- (xii) Ad interim payments already made to such intermediaries shall be adjusted against the compensation money in the manner laid down in section 12 of the Act. In order to expedite payment of final compensation after adjustment of ad interim payments made, a statement shall be prepared by the District Compensation Officer in respect of AI Camp Intermediaries, i.e., Inter-District Intermediaries

including those against which final payment has already been made. The statement shall show the name and other particulars of the intermediary, case number, roll number, net annual income and the total gross income of the roll and the amount of ad interim payments made, with T/V number and date/date of delivery of the bill and circulated amongst all the District Compensation Officers of the State. The District Compensation Officer concerned shall prepare an alphabetical index on receipt of such statements, verify Compensation Assessment Rolls of each district and if it is found that another roll in the name of the same intermediary has been published in his district thereby affecting the slab, a reference shall be sent to the District Compensation Officer of the district wherefrom the AI Camp Roll had been published along with other reports, such as, attachment, objection, etc., where the slab is not affected payment shall be made from the respective district after adjustment of the ad interim payments made with intimation to the district concerned. The statement should be verified and checked by the Compensation Officer himself and also authenticated by the District Compensation Officer. This work should be completed within 31st December 1979.

3. The form of the indemnity bond and the affidavit settled by the Board of Revenue is sent herewith.
4. Sufficient copies of the circular along with the indemnity bond and affidavit forms are enclosed for circulation amongst all concerned.
5. A monthly progress report of disposal of cases in the enclosed proforma should reach the Board by the 31st January 1980.

A. K. CHAKRABORTI,
Special Officer and ex officio
Secretary,
Board of Revenue, West Bengal.

Memo. No. 15714/1(76)-Comp.

Copy forwarded to the—

- (1) Commissioner,..... Division,.....
 - (2) Collector/Deputy Commissioner,.....
 - (3) Director of Land Records and Surveys, West Bengal,
 - (4) Settlement Officer,.....
 - (5) Subdivisional Compensation Officer,.....
- for information.

A. K. CHAKRABORTI,
Special Officer and ex officio
Secretary,
Calcutta,
The 3rd December 1979. *Board of Revenue, West Bengal.*

Non-Judicial stamp of Rs. 3

(Such stamp being not available now it should be of the denomination of Rs. 5)

BEFORE THE MAGISTRATE FIRST CLASS AT

AFFIDAVIT

I,, son/
daughter/wife of Shri/Late

aged about.....years, by faith....., by
profession....., resident of.....
P.S....., district.....
do hereby solemnly affirm and say as follows :

(1) That I am an "intermediary" within the meaning of section 2(i) of the West Bengal Estates Acquisition Act, 1953 (hereinafter mentioned as the said Act), and am entitled to receive compensation from the State of West Bengal under the said Act for my rights and interests in my estates which have vested in the said State under the said Act, including my excess khas lands, which have so vested

or

(a) That my father/husband/grandfather, etc., Late was an "intermediary" within the meaning of section 2(i) of the West Bengal Estates Acquisition Act, 1953 (hereinafter mentioned as the said Act), and died intestate onwhile he had already been entitled to receive compensation from the State of West Bengal under the said Act for his rights and interests in his estates, which had vested in the said State under the said Act, including his excess khas lands, which have so vested ;

(b) That on his demise I have succeeded him as his sole heir and legal representatives to receive the entire compensation money payable to him/myself with the other persons, named herein below, have succeeded him, in such share as mentioned against the name of each such person, as his heir(s) and legal representative(s) to receive the compensation money payable to him ;

Names of heirs/legal representatives with address	Share of each	Relationship with the deceased
(i)	(ii)	(iii)

(2) That with respect of the said compensation payment I/my such predecessor-in-interest had ad interim compensation case/our cases bearing No/Nos. of in the district/districts of under section 12(i) of the said Act wherefrom I/he have/had received the following amounts as ad interim/special payments, viz., (a)from district , (b) from district , (c) from district totalling to a sum of Rs.

A Final Compensation Roll, bearing No. of having been passed from..... Settlement Compensation Camp under

sections 14 and 15 of the said Act a Final Compensation Payment case being No. of in my/his name in district.....

(3) That in the said Roll the details of the lands against the interest of which compensation has become payable have been included. To my knowledge no other Compensation Assessment Roll have been prepared and/or published in my/my said predecessor-in-interests' name from the said Settlement Compensation Camp or any other Settlement Compensation Camp.

(4) That details of all lands of myself on my predecessor-in-interest which have vested in the State under the said Act, have been shown in the said Final Roll. I declare that besides the lands mentioned in the said Final Roll, no other land of mine/my said predecessor-in-interest has, to my knowledge, vested in the State and no compensation has been payable to me/my said predecessor-in-interest except for the interests mentioned in the said Final Roll.

(5) That I say that I/my said predecessor-in-interest am/was the sole and absolute owner and in possession of the khas lands shown in the said final Roll, till the date of vesting and I/my said predecessor-in-interest have not affected/did not effect any transfer thereof in any other way thereafter. I/my said predecessor-in-interest have/had made over possession of the said khas lands to the said State and since then the State is in possession of the same. If, however, it transpired and established hereafter that I/my said predecessor-in-interest and/or anybody else possessed used and occupied the same for and on behalf of myself/my said predecessor-in-interest for any period after the date of vesting I shall be liable for payment of damages for the same for that period at the prescribed rate and undertake to pay the same to the State.

(6) That in case of it being transpired and established hereafter that any other Compensation Assessment Roll was prepared and published in mine/my said predecessor-in-interests' name from any other Compensation Camp and I/my said predecessor-in-interest received payment against the same from any district and the gross income therein, if added to the gross income in the aforesaid Compensation Assessment Roll No. of would have changed the total gross income so as to affect the slab and consequently the total amount of compensation payable to me/my said predecessor-in-interest, resulting in excess payment in the instant Final Compensation Case I undertake to refund to the said State Government the amount so found to be paid in excess.

(7) That I/my said predecessor-in-interest have/had not instituted any suit proceedings or obtained any Civil Rule or Order challenging and/or disputing the legality/validity of the vesting of any of the said interests in khas land as mentioned in Annexure A *qua* the aforesaid Compensation Assessment Roll and Civil Suit and/or Civil Rule is not pending therefor. I undertake not to challenge the same thereafter and/or to help anybody else in challenging the same in any Court of Law hereafter.

(8) That there is no order of attachment under section 26 and/or order of the Collector directing recovery of any sort of arrear dues under section 7

of the said Act nor there exists any other order of attachment and/or recovery either from any Court of Law or any other authority for any other purpose against the compensation money payable to me/my said predecessor-in-interest *qua* myself and/or his other legal heirs and representatives.

(9) That to avoid delay by way of collection of details of all arrear dues to the Government, viz., land revenue, cesses, taxes, etc., recoverable under section 7 of the said Act and the consequent delay in my receiving payment of compensation against the instant Final Compensation Case I suggest and agree to a deduction of 2 (two) per cent. 5 (five) per cent. of the total compensation amount payable to me therein. If, however, it ultimately transpires that the same was not sufficient to cover the said arrear dues I undertake to pay the balance to the Government on demand.

(10) That in case of detection and establishment of any excess payment of compensation amount to me hereafter on any other account other than taking into accounts the items covered by paragraph (9) above I undertake to refund the said amount soon after I am served with a notice therefor under section 25(2) of the said Act.

(11) That the statements made above are true to my knowledge.

THIS DEED OF INDEMNITY made this the day of One thousand nine hundred and seventy-nine by son of/wife of residing at P.S., district

as the Intermediary/Successor of the Intermediary (which expression shall, unless otherwise excluded by or repugnant to the context, always include his/their heirs, legal representatives, successors, executors, administrators and assigns) of the FIRST PART, hereinafter called EXECUTANT in favour of the Governor of the State of West Bengal (which expression shall, unless otherwise excluded by or repugnant to the context, always include the officers, representatives and assigns of the Government of West Bengal) of the SECOND PART.

WHEREAS till before the vesting, under section 5 pursuant to the notifications, dated the 15th day of April 1955 and the 14th day of April 1956, issued under section 4 of the West Bengal Estates Acquisition Act, 1953 (Act I of 1953), hereinafter mentioned at the said Act, of the various interests in lands of Shri/Late the INTERMEDIARY, as defined under section 2(i) of the said Act, in the State of West Bengal the said intermediary had valid and absolute right, title and interest in the lands so vested and covered by the Finally Published Compensation Assessment Roll No. (..... Settlement Camp), the payment of compensation wherefor under the provisions of the said Act is the subject-matter of Final Compensation Case No. of district and is the responsibility of the said Government ;

AND WHEREAS the District Compensation Officer,, has issued a notice to the Intermediary offering payment of the compensation amount, covered by the said Compensation Assessment

Roll, subject to compliance/fulfilment of certain acts requirements by the said Intermediary/Successors of the Intermediary ;

AND WHEREAS in compliance of the said notice of offer the Intermediary/Successor of the Intermediary has/have by an affidavit submitted details of all the landed properties of the Intermediary, which have vested in the said State have been stated in the said Compensation Assessment Roll AND has/have further declared that no other vested property has been left out AND no other Compensation Assessment Roll has been prepared and published in the name of the Intermediary with respect to any other vested property from any other Settlement Compensation Camp Office AND no payment has been made against any such Roll ;

AND WHEREAS in the said affidavit the said Successors of the Intermediary have averred that the said Intermediary died intestate on.....mentioning therein the name of all the heirs and legal representatives of the deceased ;

AND WHEREAS the said Intermediary/Successors of the Intermediary also averred that he/their predecessor-in-interest had/had made over possession of the vested khas land, as mentioned on the said Compensation Assessment Roll pursuant to the provisions of the said Act ;

AND WHEREAS the said Intermediary/Successors of the Intermediary has/have further declared that he/they is/are not in possession of such vested khas land AND he/their predecessor-in-interest/they has/had/have not instituted any suit, proceedings or obtained any Civil Rule or order challenging and/or disputing the legality/validity of the vesting of any of the said interest or assessment of any compensation therefor and will not challenge the same ;

AND WHEREAS in the said affidavit it has been further averred that the Intermediary/the predecessor-in-interest of the deponent or the successor of the Intermediary or the deponent has not effected/did not effect any Settlement and/or transfer of the said vested khas lands in any manner after the date of vesting ;

AND WHEREAS the Intermediary/Successors of the Intermediary has/have agreed to undertake the entire liability for payment of damages at the prescribed rate of Rs. 10 per acre up to 29th June 1975 for the use, occupation and possession of such vested khas land, if it be found and established hereafter that he/they was/were in such use, occupation and possession thereof for any period after the said making over of possession for such period ;

AND WHEREAS the Intermediary/Successors of the Intermediary also agreed to refund such amount as he/they may be receiving in excess in payment of compensation against the aforesaid Compensation Assessment Roll qua the Final Compensation Case owing to the publication of any other Compensation Assessment Roll for any other interest in any other landed property other than those covered by the aforesaid Compensation Assessment Roll qua Annexure to the affidavit qua Final Compensation Case affecting the gross income, slab and the amount of payable compensation ;

AND WHEREAS to avoid delay in connection with collection of details of arrear Government dues, viz., land revenue, cesses, taxes, etc., and consequent delay in finalising payment of Compensation the Intermediary/Successors of the Intermediary has/have agreed to a deduction of 2 per cent./5 per cent. of the total compensation payable to the said Intermediary for being adjusted with the said arrears, and to pay the balance, if any, fell due after such adjustment.

AND WHEREAS the Intermediary/Successors of the Intermediary has/have also agreed to refund the amount, if any, paid to him/them by way of ad interim/ special payment in excess of what was payable.

NOW THIS INDEMNITY BOND WITNESSETH that in pursuance of these agreements and in consideration of a sum of Rs. payable as final compensation and lest due to the default and laches of the Intermediary/Successors of the Intermediary the State Government may suffer any financial loss he/they agree/agrees and firmly bound unto the said Governor to always indemnify and keep the said Governor harmless from such loss and by forthwith refunding to the said Governor the amounts as may be determined and demanded and in that event this Bond or Obligation shall be discharged and fully satisfied failing which the same shall remain in force and continue and the Intermediary/Successors of the Intermediary do hereby agree that in case of his/their failure and neglect to pay on demand any such sum on any of the accounts mentioned herein before the said Government or Government of West Bengal shall have the right and be at liberty to realise the sum so demanded as Public Demand under the Bengal Public Demands Recovery Act or otherwise according to law with such interest thereon as allowed under the law.

IN WITNESS WHEREOF the Intermediary/Successors of the Intermediary Shri /Shri/ Shrimati subscribe to these presents the day, month and year first abovewritten.

Signed and sealed in the presence of—

(1)
Address—

(2)
Address—

Accepted signed and sealed by
District Compensation Officer for
and on behalf of the Governor of the State of West
Bengal on the day of One
thousand nine hundred and seventy-nine in presence of—

(1)
Address—

(2)
Address—

Enclosure to Board of Revenue Memo. No. 15714(30)-Estt. (Comp.)/71/79, dated 3rd December 1979

PROFORMA

Monthly Progress Report showing the payment of Compensation under the Estates Acquisition Act for the month of _____ in the district of _____

	Up to -3-1979	From 1-4-1979 to 31-12-1979	During the current month	From 1-4-1979 to date
	(i)	(ii)	(iii)	(iv)
(1) Total No. of C.A. Rolls received by the D.C.O. :				
(2) Amount involved :				
(3) Total No. of C.A. Rolls consigned to Record Room :				
(a) 'Nil' Rolls :				
(b) For lack of response or non-compliance of offer notice :				
(c) After final payment :				
(4) Total No. of rolls physically verified :				
(5) Total No. of cases/rolls against which payment has been made and the amount involved :				
(a) Ad interim :				
(b) Annuity :				
(c) Final :				
(6) Total No. of rolls pending for issue of offer notice :				
(7) Total No. of rolls pending after receipt of Verified Statements from the ex-intermediaries :				
(8) Total No. of rolls pending for despatch to Record Room :				
(a) 'Nil' Rolls :				
(b) Due to lack of response to offer notice :				
(c) After payment :				

N.B.—1. Column (ii), i.e., progress from 1st April 1979 to 31st December 1979, may be dropped in Monthly Returns after January, 1980.

2. The 1st Monthly Return covering up to 31st January 1980 must reach Shri T. P. Roy, Officer on Special Duty, Board of Revenue, West Bengal, by 20th February 1980 positively.

CHAPTER VI

মন্ত্রী
শ্রী বিনয় কৃষ্ণ চৌধুরী ভূমি ও ভূমিসংস্কার বিভাগ,
পশ্চিমবঙ্গ সরকার,
ডি, ও নং ৩৫৫৮(১৫) জিই মহাকরণ, কলিকাতা-৭০০০০১
তারিখ
১০ই মার্চ, ১৯৮০।

প্রিয় সভাপতি,

আপনি জানেন যে ন্যস্ত জমির দ্রুত বন্টনের প্রতি রাজ্য সরকার সবিশেষ গুরুত্ব আরোপ করেছেন। এই ন্যস্ত জমির বন্টনের ব্যাপারে পঞ্চায়তের গুরুত্বপূর্ণ ভূমিকার কথাও আপনি অবগত আছেন।

এই রাজ্যে এখনও অনেক ন্যস্ত জমি বন্টন হয় নি। সংসদ নির্বাচন ও খরা প্রভৃতির জন্য গত বৎসর বন্টনের কাজে বিশেষ ব্যাঘাত ঘটেছে।

এখন উন্নয়ন পরিকল্পনা ও ভূমি সংস্কার স্থায়ী সমিতি প্রায় সব শ্রলকে গঠিত হয়েছে এবং ভূমি সংস্কার আধিকারিকরাও ন্যস্ত জমির তালিকা স্থায়ী সমিতিতে প্রেরণ করেছেন।

আগামী ৩০-৬-৮০ তারিখের মধ্যে অর্থাৎ চাষের কাজ আরম্ভ হওয়ার পূর্বেই বকেয়া বন্টন কাজ শেষ করবার উদ্দেশ্যে আমরা একটি কার্যক্রম গ্রহণ করেছি। এই ব্যাপারে রাজস্ব পর্ষদ জেলা সমাহর্তাদের যে নির্দেশ দিয়েছেন তার একটি অনুলিপি আপনার অবগতির জন্য পাঠানো হলো।

আশা করি আপনি একমত হবেন যে, বিভিন্ন স্তরে পঞ্চায়ত সংস্থাসমূহের সক্রিয় সহযোগিতা ছাড়া ন্যস্ত জমির আইনানুগ এবং সুষ্ঠু বন্টন সম্ভব নয়। আপনি অনুগ্রহ পর্বক আপনার জেলার পঞ্চায়ত সমিতি এবং গ্রাম পঞ্চায়তগুলিকে বন্টনের ব্যাপারে তাদের সক্রিয় সহযোগিতার জন্য অনুরোধ করলে এই গুরুত্বপূর্ণ কাজ ত্বরান্বিত হবে।

ভবদীয়,

বিনয় কৃষ্ণ চৌধুরী

শ্রী _____

সভাপতি

_____ জেলা পরিষদ

LAND REFORMS 3/80

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

No. 4070(15)-G.E. 269/79, dated Calcutta, the 18th/20th March, 1980

To

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

Subject : *Distribution of vested agricultural land—
disposal of objections.*

In Board's memo. No. 3100(18)-G.E., dated 3.3.80 (LAND REFORMS 2/80), it has been enjoined that a concerted drive should be taken to distribute all available vested lands before the next sowing season and in any case not later than 30.6.80.

The difficulties standing in the way of quick distribution were discussed in details in a meeting of Commissioners, D.Ms, A.D.Ms, Settlement Officers, etc. held in the Rotunda on 12.3.80. Some of the officers present pointed out that delay was caused as the Unnayan Parikalpana-O-Bhumi Sanskar Sthayee Samitis which are functioning as the B.L.L.R.A.Cs are not finding it possible to complete the enquiries on the objections filed against irregular distribution. The number of such objections is sizeable and obviously distribution work will suffer to a large extent if such objections cannot be disposed of quickly, and where pattas are annulled under the due process of law, the lands covered by such pattas are not distributed to the eligible beneficiaries.

He is, therefore, requested to identify the Land Reforms Circles where delay is being caused due to non-completion of enquiries by the members of the B.L.L.R.A.C. and take up the matter with the Sabhapatis of the Samitis concerned. It should be impressed upon them that the programme of Government to complete distribution of vested lands within the next sowing season cannot be successful unless such enquiries are completed as expeditiously as possible. It will also be advisable to take up the matter with the Sabhadhipatis of the Zilla Parishads. It may be mentioned that the Minister-in-Charge, Land & Land Reforms Deptt. has already addressed the Sabhadhipatis of the Zilla Parishads seeking active help and co-operation from the Panchayatraj institutions in the matter of quick distribution of vested lands. A copy of that letter is enclosed.

S. SINGH,

Secretary,

Board of Revenue, West Bengal.

Memo. No. 4070/1(22)-G.E.

Copy forwarded for information to—

- (1) The Commissioner,.....Division,
.....
- (2) The D.L.R. & S., West Bengal.
- (3) The Collector/Deputy Commissioner,
.....

S. SINGH,

Secretary,

Dated, Calcutta, the 20th March 1980. Board of Revenue, West Bengal.

LAND REFORMS 4/80

Government of West Bengal

Office of the Board of Revenue, West Bengal
Section-A.I, G.E. Branch

No. 4156(18)-G.E. 269/79, dated Calcutta, the 20th March, 1980

To

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

Subject : *Distribution of vested agricultural land—
Preparation of priority lists.*

A reference is invited to para 4 of Board's memo. No. 6225(18)-G.E., dated 26-5-79, wherein it was enjoined

that the J.L.R.Os should place before the B.L.L.R.A.C., that is to say, the Unnayan Parikalpana-O-Bhumi Sanskar Sthayee Samiti of the Panchayat Samiti the lists of eligible persons along with the schedules of vested lands and seek its recommendations as to the beneficiaries to whom the lands should be distributed. Subsequently on instructions from the Board of Revenue schedules of vested lands have been sent to the Panchayat Samitis of the L.R. Circles.

In a meeting of Commissioners, D.M.s, A.D.Ms., Settlement Officers etc. held in the Rotunda on 12-3-80 some of the officers pointed out that delay was caused in the matter of distribution as some of the Sthayee Samitis (a) insisted on preparation of fresh list of eligible persons and (b) failed to make their recommendations due to various reasons.

The programme of distribution will suffer a setback unless recommendations are made by the Sthayee Samitis quickly. He is, therefore, requested to identify the Blocks where delay is being caused due to the reasons stated above and take up the matter with the Sabhapatis of the Samitis. It should be impressed upon the members of the Sthayee Samitis that the Samiti is competent only to alter/modify the priority lists prepared by the J.L.R.Os. It will, therefore, not be advisable for the Samitis to go in for a total revision of the list. The list, if already prepared by the J.L.R.Os in accordance with the instructions contained in Board's memo No. 1403(15)-G.E. dated 3.2.78 and No. 6225(18)-G.E., dated 26-5-79, should be accepted as the basis for allotment of vested agricultural land to eligible persons, with such modifications as may be considered necessary while disposing of claims and objections. The Sthayee Samitis should also be requested to send their recommendations to the J.L.R.Os as soon after the meetings as possible so that the said officer may take up the follow-up action from his end.

A report on the action taken may be sent to the Board in due course.

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

Memo. No. 4156/1(67)-G.E.

Copy forwarded for information to —

- (1) The Commissioner,.....Division,
.....
- (2) The District Magistrate/Deputy Commissioner,
.....
- (3) The Subdivisional Officer,.....

Dated Calcutta,
the 20th March, 1980. S. SINGH,
Secretary,
Board of Revenue, West Bengal.

D. Bandyopadhyay, IAS.

4952(33)-G.E. 269/79, dated 2nd April 1980

My dear,

Minister-in-Charge had written a letter to all the Sabhadhipatis requesting them to hasten the process of distribution of vested lands among the eligible persons. You will agree with me that it will be a standing disgrace to the administration if we fail to distribute the lands that are within our control particularly when the land hunger among the landless and landpoor is so acute. I would request you to involve the S.D.Os. to chase up the matter with all the Panchayat Samitis so that regular meetings of Unnayan Parikalpana Bhumi Sanskar Sthayee Samitis are held for recommending names of eligible persons. Cases of annulment pending with the S.D.O.s should be promptly disposed of. The uncertainty that is there due to the non-disposal of annulment proceedings should be removed to bring about stability in the countryside. In course of your tours kindly make it a point to enquire about this matter from all the Sabhadhipatis of Panchayat Samitis and use your good offices with them for the completion of the task by 30th June 1980.

It is perhaps desirable to reflect for a moment the enormous economic benefit that this programme will bestow on the landless poor. The total amount of land in the whole State available for distribution is 3.94 lakh acres. It can easily rehabilitate over 3½ lakhs landless household giving them permanent source of income and employment benefit for years to come. In a situation of growing poverty and marginalisation of the peasantry this would be a major step for atleast temporarily arresting the process of immiserisation.

Yours sincerely,

Memo. No. 4952/1(58)-G.E.

Copy to :—

- (1) D.L.R. & S., West Bengal.
- (2) The Settlement Officer,.....
- (3) The Sub-divisional Officer,.....
for information.

Dated, Calcutta, the 2nd April, 1980. Illegible
Land Reforms Officer, West Bengal

LAND REFORMS 2/80

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

Section-AI, G.E. Branch

No. 3100(18)-G.E. 269/79, dated Calcutta, the 3rd
March 1980

To

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

Subject : Distribution of vested agricultural lands

A reference is invited to Board's memo. No. 6225(18)-G.E., dated 26th May 1979, wherein it was enjoined

that distribution of available vested agricultural lands should be completed by the sowing season of 1979.

No. 3100/1(117)-G.E.

Copy forwarded to—

2. A review of distribution made so far in all the districts has since been made. A statement showing the vested agricultural lands available for distribution in each district as on 1st January 1980 is enclosed. It is evident that a sizable amount of land is still pending for distribution in his district.

3. Schedules of vested lands have since been sent to the Panchayat Samitis in all the L.R. Circles. Also, the Unnayan Parikalpana-O-Bhumi Sanskar Sthayee Samitis which have been entrusted with the functions of B.L.L.R.A. Committees as envisaged under the sub-rule 3(a) of Rule 20A of the W.B.L.R. Rules have since been constituted in almost all the Panchayat Samitis. In view of the above circumstances, there should not be any difficulty in distributing the available vested lands.

4. He is, therefore, requested to take up the work of distribution in right earnest so that distribution of all available lands in his district is completed by the next sowing season and in any case not later than 30th June, 1980.

(1) Commissioner,.....Division

(2) District Magistrate/Deputy Commissioner,

(3) Subdivisional Officer,.....

(4) Subdivisional Land Reforms Officer,

(5) P.S. to Minister-In-Charge, Land and Land Revenue,

for information.

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

Calcutta,
the 3rd March, 1980.

S. SINGH
Secretary,
Board of Revenue, West Bengal

Name of District	Area of land vested	Area of land hit by injunction	Area of land free for distribution	Area of land distributed	Area of land yet to be distributed
(1)	(2)	(3)	(4)	(5)	(6)
24-Parganas	121514.85	38753.02	82761.83	51870.06	30891.77
Howrah	6123.70	2281.07	3842.63	2257.39	1585.24
Nadia	23743.45	5929.00	17814.45	11269.00	6545.45
Murshidabad	51845.13	9972.79	41872.34	20772.09	21100.25
Burdwan	77528.53	20400.84	57127.69	31108.76	26018.93
Birbhum	36880.81	8724.34	28156.47	18555.69	9600.78
Bankura	57003.69	8135.10	48868.59	33553.50	15315.09
Midnapore	264286.98	27235.31	237051.67	141712.70	95338.97
Hooghly	17543.64	4471.89	13071.75	7716.06	5355.69
Purulia	87883.58	12395.64	75487.94	32012.95	43474.99
Malda	79314.63	8314.21	71000.42	48531.39	22469.03
West Dinajpur	138947.97	13907.05	125040.92	76026.14	49014.78
Cooch Behar	58762.31	2940.00	55822.31	42637.00	13185.31
Jalpaiguri	116744.58	4486.34	112258.24	82424.74	29833.50
Darjeeling	39056.31	986.76	38069.55	13612.75	24456.80
Total :	1177180.16	168933.36	1008246.80	614060.22	394186.58

Government of West Bengal

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

No. 248-G.E. 517/79, dated Calcutta, the 11th/14th
January 1980

To

The Addl. Deputy Commissioner(L.R.),
Purulia.

Subject : *Problem of alienation of tribal lands.*

Ref : *His D.O, No. 143-AC dated 13.7.79.*

The problem of alienation of lands belonging to tribals has been examined in depth by the Board of Revenue. The legal position is explained below :—

- (i) Though in view of Section 3 and Chapter IIA of the W.B.L.R. Act, the Chotonagpur Tenancy Act, 1908 as adopted for West Bengal and as modified by the Amendment Act of 1961 stands impliedly repealed with effect from the date when the W.B.L.R. Act came into force in the ceded areas of West Bengal, the force of Chotonagpur Tenancy Act continues till the W.B.L.R. Act came into force in those areas in view of Sections 8 and 8A of the Bengal General Clauses Act. Therefore, provisions of Chotonagpur Tenancy Act can be applied in cases of illegal transfer of lands belonging to Tribals and other communities protected by that Act.
- (ii) Under Section 46A(2)(a) of the C.N.T. Act such illegal transfer of lands of Scheduled Castes or Scheduled Tribes or of Kurmi Community shall stand forfeited to the State Govt. where it is the landlord. From the date of application of the W.B.E.A. Act to those areas, all intermediary interests vested in the State and the State Govt. became the landlord of each and every raiyat. Therefore from that date onwards any such illegal transfer should result in forfeiture of the lands to the State Govt.
- (iii) The question of limitation is not a problem in C.N.T. Act. But the general law of limitation is applicable in view of Section 230 of the said Act. Accordingly it may appear that on completion of adverse possession for 12 years or more a non-tribal transferee may acquire a title in the land, apart from the illegal transfer. But that question does not arise at all because in 1964 the State Govt. became the landlord in ceded areas in view of application of W.B.E.A. Act. Therefore from the year 1964 the period of limitation as against the State Govt. is 30 years. Fortunately nobody has yet completed such a long period of adverse possession from the date of illegal transfer. So the problem of limitation is not there.

2. The procedure which should be adopted in declaring the forfeiture, taking possession of lands and also resettling the same should be as follows :—

- (a) A preliminary notice should be served on the transferees asking them to produce previous written permission of the Deputy Commissioner/District Magistrate (including any other officer enjoying the powers of a Deputy Commissioner/District Magistrate for the purpose within a

reasonable period to be specified by the officer having legal authority to forfeit illegally transferred land under the Act.

- (b) If no such permission can be shown, an order should be passed to the effect that the transfer stood forfeited under Section 46A(2) of the C.N.T. Act. The date of forfeiture should, however, be after the date of application of the W.B.L.A. Act from when the State Govt. became the landlord.
- (c) For the ends of justice and keeping in view the principles of natural justice the procedure laid down in Order 21 Rule 35 of the Civil Procedure Code read with the ancillary provisions should be followed in delivering possession of the lands to the persons with whom the lands so forfeiture are settled, of course, before taking away possession from the transferee, a notice for a short but reasonable period should be served asking them to give up possession.
- (d) As regards settlement of such lands, the eligibility is confined only to certain communities as stated in the proviso to Section 46(2) of the C.N.T. Act.
- (e) Thus the order of forfeiture and the order of delivery of possession should be two separate orders, because in the meantime the land should be settled with a particular person to whom possession should be delivered. Normally, again for the ends of justice such lands should be settled with the previous owners thereof just after declaring and passing an order of forfeiture. When the previous owner, or his heirs/successors are not available, settlement should be made according to proviso to Section 46A(2) *ibid.* After the settlement is made, the order of delivery of possession should be made and then it will be followed by actual delivery of possession, according to the Civil Procedure Code.

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

Memo No. 248/1(395)-G.E.

Copy forwarded to:—

- (1) The Commissioner,
- Division,
- (2) The District Magistrate (L.R.)/Deputy Commissioner,
- (3) The Additional District Magistrate(L.R.)/Additional Dy. Commissioner,
- (4) The Director of Land Records and Surveys, West Bengal.
- (5) The Settlement Officer,
- (6) The Scheduled Caste and Tribal Welfare Department,
- (7) The Sub-divisional Officer,
- (8) The Sub-divisional Land Reforms Officer, Purulia

for information and necessary action.

A. K. CHAKRABORTI
Special Officer and (ex-officio)
Secretary,

ted Calcutta,
the 11th January 1980. Board of Revenue, West Bengal.

GOVERNMENT OF WEST BENGAL

CONFIDENTIAL

Office of the Board of Revenue, West Bengal
Section A-I, G.E. BranchNo. 8992(15)-G.E., 250/80, dated Calcutta, the 17th
June 1980.To—
The Collector/Deputy Commissioner,.....

Reference is invited to the meeting held at Rotunda on June 17th, 1980 regarding Administrative Guide Lines for settlement of disputes relating to cultivation and harvesting. The Standing Guide Lines issued by the Board of Revenue in July, 1979 (a copy of which is enclosed), should be strictly followed both in letter and in spirit. In settling disputes relating to cultivation and harvesting lawful protection to the bargadars and assignees of vested lands to which they are entitled under various laws should be ensured. Particular attention is drawn to paragraph 11 of the circular where anticipatory action is called for to ensure peaceful cultivation and harvesting.

A point was raised about the confusion resulting from Advocates' letters purporting to contain court's orders relating to certain prayers in the writ petitions/plaints which are not enclosed with such letters. In the absence of such documents it becomes difficult for the authorities concerned to understand the full import of the court's order and to decide consequential administrative response. In such cases whenever there is a confusion, authorities concerned may write to the Advocate to supply the full text of the court's order along with the writ petition/plaint to enable them to comply with the court's order. Simultaneously the authorities should contact the Learned Additional Advocate General without delay.

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

Memo No. 8992/1(145)-G.E.

Copy forwarded to—

- (1) Home Department.
- (2) Inspector-General of Police, West Bengal.
- (3) Deputy Inspector-General of Police.
- (4) Superintendent of Police.....
- (5) The Commissioner,.....Division,.....
- (6) The Director of Land Records and Surveys, West Bengal.
- (7) The Settlement Officer,.....
- (8) The Sub-divisional Officer,.....
- (9) The Sub-divisional Police Officer,.....

Dated, Calcutta,
the 17th June 1980.

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

GOVERNMENT OF WEST BENGAL

Board of Revenue

Standing Guidelines for Settlement of disputes relating to
Cultivation and harvesting—Protection to Barga-
dars and assignees of vested lands.

1. It is the intention of the Government to ensure peaceful cultivation and harvesting by maintaining order by effective implementation of the land reforms laws.

2. Bargadars whether recorded or unrecorded should be given full legal protection not only in cultivating the land and harvesting the crop but also in sharing the produce strictly according to law.

3. While it is neither possible nor desirable to list all possible types of cases of agrarian disputes relating to cultivation and harvesting, a few major types of potential conflicts are being mentioned in the following paragraphs by way of illustration. Solutions of the variety of disputes may have to be locally found with the good offices of Panchayat bodies.

4. Where the dispute is between the landowner and the recorded bargadar (including the bargadar who has got any document showing his prima facie right of cultivation issued by any public officer under any Act or Rules) the latter should receive full protection from the administration in cultivating the land and harvesting the crop and getting proper share of the produce.

5. Though legally there is no distinction between recorded and unrecorded bargadars, so far as the benefits of the land reforms laws are concerned, there might be difficulties in delivering the benefits to unrecorded bargadars. Attention is drawn to section 21B of the West Bengal Land Reforms Act which reads as follows :—

“21B. Person cultivating land of another person to be presumed to be a bargadar in certain cases : A person lawfully cultivating any land belonging to another person shall be presumed to be a bargadar in respect of such land if such person is not a member of the family of the other person whose land he cultivates and the burden of proving that such land is in his personal cultivation shall, notwithstanding anything to the contrary contained in any other law for the time being in force, lie on the person who alleges that the person cultivating the land is not a bargadar in respect of such land.”

Therefore, under the law, if any person lawfully cultivates the land of another person he is presumed to be a bargadar. He should, therefore, get all protection under the law.

6. A problem may arise if two or more persons claiming as bargadars raise a dispute about cultivation and harvesting. In all probability one will be the genuine bargadar and the other a fake one. Local enquiries should be held to ascertain the fact and protection should be given to the genuine bargadar. Here again good offices of the Panchayat bodies may be sought.

7. The possibility of disputes between two genuine bargadars, one who had been illegally evicted earlier and the other who has been engaged in his place,

cannot be ruled out. As contemplated under section 19B(1) (b) of the West Bengal Land Reforms Act, the newly engaged bargadar will cultivate the land, harvest the crop and share the produce with the old bargadar who had been illegally evicted. Landowners in such cases will not get any share of the produce. It is desirable to bring about a solution on this line through the good offices of the elected Panchayat bodies. Such disputes should not be allowed to develop into open confrontation. Every attempt should be made to prevent, as far as practicable, conflicts between and among the poor.

8. The problem may be slightly different regarding cultivation of vested land and harvesting of produce thereof. Where the pattaholder is an eligible person under section 49 of the West Bengal Land Reforms Act, he should be given all protection to cultivate the land, harvest the crop and take the entire produce.

9. Where the pattaholder is prima facie a non-eligible person but his patta has not yet been annulled, he should be allowed to cultivate the land and harvest the crop, if there is evidence that he is in actual possession of the land and he raised the crop himself.

10. In case where the land reforms machinery has failed to hand over possession of the allotted land to the pattaholder who is an eligible person, all attempts should be made to put him in possession of the land immediately in accordance with the rules including rule 20(A) 3(b) of the West Bengal Land Reforms Rules. Where, however, such allotted land has been cultivated illegally by a person other than the allottee, efforts should be made to sort out the problem by effecting amicable compromise through the good offices of the elected Panchayat bodies, wherever necessary.

11. Determined efforts should be made to prevent and eliminate possibilities of violence during cultivation and harvesting. Sensitive areas should be identified where serious breach of the peace is apprehended because of the threat of violence and precautionary measures should be taken to forestall any occurrence of breach of the peace. Help and good offices of the elected Panchayat bodies should be taken in this regard.

12. Government expects that the functionaries at all levels in the district administration should act impartially. They should always bear in mind that the weaker section of the community who have so far been deprived of and denied of their legitimate rights and privileges are given full benefits and protection that they are entitled to under various laws.

Writers' Buildings,
Calcutta,
The 31st July 1979.

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

No. 16406(30)-G.E., dated Calcutta, the 15th November, 1980

To—
(1) The Collector,.....
(2) Superintendent of Police,.....

Reports have been received that on the eve of the harvesting season land owners are obtaining interim

orders from the Hon'ble High Court directing, among others, the officers of our department and/or police officers to maintain status quo. Such orders are communicated normally by the Advocates for the petitioners. It is often not every clear to Government officers as to what is "status quo" in the given circumstances due to various reasons.

2. The expression 'Status quo' means the existing state of things at any given date, usually on the date of issue of the rule, unless any other date is specified in the order.

3. In cases where lands were cultivated by bargadars in the last sowing (cultivation) season, "status quo" means physical possession of the bargadar, constructive possession of the land-owner being exercised through the bargadar. In such cases, the Government have been advised that an order for "status quo" means continuation of physical possession of the bargadar who can harvest the crops raised by him as part of his physical possession.

P. K. DE
Special Secretary,
Board of Revenue, West Bengal.

Memo No. 16406/1(68)-G.E.

Copy forwarded to—

(1) Additional District Magistrate (L.R.),.....

(2) Subdivisional Officer,

for information and necessary action.

Calcutta
the 15th Nov., 1980
P. K. DE
Special Secretary,
Board of Revenue, West Bengal.

GOVERNMENT OF WEST BENGAL

Office of the Board of Revenue, West Bengal
G.E. Branch

No. 16407(30)-GE, dated Calcutta the 15th November 1980

To—

(1) The Collector/Deputy Commissioner,

(2) The Superintendent of Police,.....

1. Reports have been received that on the eve of harvesting season landowners are obtaining orders from the Hon'ble High Court directing officers of this department and/or police officers to protect the petitioners (landowners) in the matter of harvesting crops in their lands. Such orders are mostly obtained in order to prevent Bargadars, who cultivated the lands, from harvesting crops grown by them or alleging that it is apprehended that certain persons might harvest the standing crops. Many such orders are communicated by the Advocates of the petitioners without giving plot numbers or other specific particulars of the lands concerned.

2. In such cases the Government have been advised that the officer or officers concerned should immediately write back to the Advocate for the petitioner or the petitioner himself, as the case may be (whoever communicates the High Court's orders) requesting him to quote the order of the Hon'ble High Court mentioning the plot number and other particulars of the plots in respect of which the order has to be complied with. Because, without plot number and/or other required particulars the Govt. officers are unable to obey the Court's order. Another good reason for doing so is that in the garb of such unspecified orders the petitioners may try to harvest lands even belonging to other persons and not mentioned in the Schedule to the Writ Petition concerned.

P. K. DE,
Special Secretary,
Board of Revenue, West Bengal.

Memo No. 16407/1(68)-GE

Copy forwarded to :-

- (1) The Additional District Magistrate (Land Reforms)/The Additional Deputy Commissioner (Land Reforms).....
- (2) The Sub-divisional Officer,.....

for information and necessary action.

P. K. DE,
Special Secretary,
Calcutta,
The 15th November 1980. Board of Revenue, West Bengal.

GOVERNMENT OF WEST BENGAL

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

No. 16015(19)-G.E. 589/80, dated Calcutta, the 6th
November 1980.

To—

- (1) The Commissioner,.....
Division,.....
- (2) The Director of Land Records and Surveys,
West Bengal.
- (3) The Collector/Deputy Commissioner,.....

Subject : *Level to level administrative collaboration.*

Attention is drawn to item No. 4.1 of the operational decisions of the Third-Workshop on Land Reforms held on the 15th and 16th September, 1980.

A review of the level to level administrative collaboration made in the workshop revealed that there was further scope of more close collaboration amongst the different wings engaged in the field in the implementation of the Land Reforms programme of the Government. It is emphasised that such collaboration at lower echelons of the administrative hierarchy is very important. It is, therefore, requested that necessary instructions may be issued to the units under him emphasising the need for closer collaboration and understanding at the lower level of the field

functionaries. It should be understood that land reforms programme is a package with several components like Operation Barga, distribution of vested land, Institutional Finance to bargadars and assignees of vested land, etc. A particular wing entrusted with a specific job cannot play a meaningful role without the help and co-operation from the sister wings. Frequent inter-wing visits/inspection of camps/offices is an essential component of administrative collaboration at the supervisory level and should, therefore, be effectively ensured.

Routine jobs requiring the association of different wings becomes easier with closer collaboration. Besides, day to day problems in implementing the assigned duties can also be sorted out through discussions with the functionaries of the sister wings. He is, therefore, requested that meetings of the functionaries at comparable levels are frequently arranged and that the supervisory officers under him undertake frequent inspection of the offices of the other wings, as was indicated in Board's memo No. 13104(19)-G.E., dated 17th July 1978.

Monitoring of the progress under this item is essential to make an assessment of the success of efforts. This has, unfortunately, not been to the extent expected. He is, therefore, requested to see that henceforth the quarterly returns as prescribed under Board's memo. No. 7555(42)-G.E., dated 19th June 1979, are regularly sent to the Board.

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

Memo No. 16015/1(100)-G.E.

Copy forwarded to—

- (1) The Additional District Magistrate(LR)/
Additional Deputy Commissioner (LR),..
- (2) The Settlement Officer,.....
- (3) The Subdivisional Officer,.....
- (4) The Charge Officer,.....

for information and necessary action.

N. G. SEN GUPTA
Assistant Secretary,
Calcutta,
the 6th Nov. 1980. Board of Revenue, West Bengal.

GOVERNMENT OF WEST BENGAL

Office of the Board of Revenue, West Bengal
Section A-I, GE Branch

No. 15615(5)-GE, dated Calcutta, the 27th October
1980

To—

- (1) The Collector, Midnapore,
- (2) The Deputy, Commissioner, Purulia,
- (3) The Collector, Bankura,
- (4) The Collector, Birbhum,
- (5) The Collector, Burdwan.

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

A copy of the proceedings of the meeting taken by Minister-in-Charge, Land and Land Reforms Department on 26th September 1980 at Jhargram and on 29th September 1980 at Purulia with the officials of the Forest Department, S. C. and T. W. Department, Land and Land Reforms Department, etc., is enclosed.

2. With the aim of proper utilisation of the degraded/non-agricultural vested lands which have been lying unutilised so far it has been envisaged in para. 12 of the proceedings that such lands should be made over to the Forest Department for plantation of sabai grass and other similar forest plantation after enquiry. The enquiry would be undertaken jointly by the Junior Land Reforms Officer, the Forest Ranger and representatives of the Panchayat Samity. For this purpose the Junior Land Reforms Officer will prepare with reference to his records a list of vested non-agricultural plots adjoining the forests. On compilation of such lands he will fix up a programme for local inspection of the plots in consultation with the local Forest Ranger and representatives of the Sthayee Samity. A list of plots which after joint verification will be found suitable for plantation of sabai grass and any other similar forest plantation should be prepared and jointly signed.

3. The Junior Land Reforms Officer will thereafter hand over such plots to the Forest Ranger on the basis of exchange of letters. After the plots have been so handed over the Junior Land Reforms Officer will initiate formal transfer proposal through proper channel.

4. If it is found that after raising of several forest crops the land becomes suitable for cultivation of normal crops like paddy, wheat, etc., such lands will then be taken back from the Forest Department.

5. A report on the progress of work achieved in a particular month should be sent to the Board in the proforma enclosed, by the first week of the following month.

A. K. CHAKRABORTI,
*Special Officer and ex-officio
Secretary,
Board of Revenue, West Bengal.*

Memo. No. 15615/1(29)-GE

Copy forwarded to—

- (1) Scheduled Caste and Tribal Welfare Department of this Government.
- (2) Director of Land Records and Surveys, West Bengal
- (3) Forest Department of this Government.
- (4) Additional District Magistrate (L.R.).....
.....
Additional Deputy Commissioner(L.R.)
Purulia
- (6) Settlement Officer, Midnapore
- (7) Settlement Officer,
- (8) Conservator of Forest, Western Circle
Survey Buildings, Alipore.

- (9) Conservator of Forest, Central Circle, Survey Buildings, Alipore.
- (10) Conservator of Forest, Social Forestry Circle C.I.T. Buildings, P-16 India Exchange Place Extn., Calcutta 73
- (11) Chief Conservator of Forest, C.I.T. Buildings P-16 India Exchange Place Extn., Cal.-73,
- (12) Divisional Forest Officer.....
- (13) Special Officer, Tribal Welfare.....

for information and necessary action.

A. K. CHAKRABORTI,
*Special Officer and ex-officio
Secretary,
Board of Revenue, West Bengal.*
Calcutta,
27th October 1980

PROFORMA

Handing over of degraded/non-agricultural vested land to the Forest Department for cultivation of sabai grass, etc., pending formal transfer.

District.....
Name of the L. R. Circle.....
Month.....

Area inspected	Area of land suitable for handing over.	Area actually handed over	Remarks.
1	2	3	4

1. On 26th September 1980 and 29th September 1980, M.I.C., Land and Land Reforms, held meetings at Jhargram and Purulia with officers of the Forest Department, S.C. and T.W. Department, Land Reforms Department, Police and the Magistracy and representatives of Panchayati Raj institutions to discuss operational implications of the new directives on forest management in tribal areas. Various issues were raised about the implementation of this Government policy and the tentative decisions arrived at in both these meetings are being summarised below.

2. A point was raised regarding identification of tribal household for issue of free permits for collection of minor forest produce mentioned in paragraph 2.1 of the Directive. As household census might take some time it was decided that the implementation should start by identifying the beneficiaries of this programme from amongst the existing permit holders lists of whom are available in various beat/range offices. Existing permits should be over-stamped "free of cost" till the new permits are printed and distributed. The lists of new beneficiaries should be forwarded to the Range office by the Gram Panchayats. The new permit book/document should clearly state among others that the beneficiaries shall not in any way cut, injure or impair any standing tree.

There was a discussion on the possible misuse of the privilege given to the tribals together fruits, flowers and leaves of various trees unless there was some restriction on them to sell at least Kendu leaves and Sal seed only to LAMPS/WBTDCC Ltd/WBFD Corporation or any other Government/public sector

agency. Since both Kendu leave and sal seed were available also outside the forest area, it would be difficult to distinguish those which were brought from the forest and those which were available outside. Therefore, it will be impossible to enforce the monopoly purchase right of the public sector undertakings. Hence a suggestion was made that Kendu leave and sal seeds should be deemed to be forest produce whether brought from forest or not. For that purpose the rules made under the Indian Forest Act should be amended. If necessary a State amendment will have to be made in the Indian Forest Act.

4. LAMPS/WBTDCC should open adequate number of centres for procurement of kendu leave and sal seed so that the beneficiaries might not have to take any trouble to dispose of their produce to these organisations. The price at which these commodities will be purchased should be decided beforehand with the approval of the State Government and due publicity should be given to these prices so that the beneficiaries are not cheated or deprived of their legitimate dues.

5. It was also noticed that in certain areas LAMPS had very wide operational jurisdiction to work in the forest. Wherever necessary new LAMPS have to be set up to take full advantage of the monopoly right of purchase given to them under the new policy.

6. It was made clear that poles to be supplied to the tribal beneficiaries would be made available to them from forest depots. No tribal beneficiary will have any right to fell any tree for this purpose. Cost of extraction including that of felling, logging and carriage would be borne by the Department to be debited against ITDP. Value of the log should not be booked in this transaction.

7. Since a lot of paper work will be required for all these operations it was decided that one additional hand will be provided to each Range of the concerned Forest Divisions to handle the extra work. The additional staff would be booked against the budget of I.T.D.P.

8. It was suggested that the staff mentioned above should be recruited locally, largely from amongst schedule castes and scheduled tribes population by relaxing the existing Labour Department's order on the analogy of the order relating to recruitment of Job Assistants of the Panchayats.

9. It was also decided that the traditional users of the host plants in the forest for the cultivation of lac and tassar should be allowed the facility free of cost without let or hindrance by the forest administration. The beneficiaries might be identified with the help of the Panchayats, and if necessary, the same type of permits may be given to them including allotment of host trees. The LAMPS would give financial back-up to the traditional users to enable to produce lac and tassar and help them in marketing of the product.

10. There are traditional collectors of some forest fruits like haritaki, boira, amlaki and other medicinal fruits, herbs and roots, who should be given the facility to continue their activity under the new permit system. LAMPS should undertake marketing of these valuable medicinal fruits, herbs and roots to enable the collectors to realise fair price for these produces.

11. One of the traditional crafts in the tribal areas of Jhargram, Purulia and south western Bankura is the rope making from sabai grass. It was decided that the beneficiaries would be allowed to harvest sabai grass planted in the forest area at the usual rates: LAMPS should give support price to encourage such harvesters to sell their product to the LAMPS. To eliminate fariabs/baparies LAMPS should also undertake advance of money to book the future product to be purchased at support price.

12. Officers of the Forest Department wanted all the degraded/non-agricultural vested lands for planting of sabai grass. For this purpose the Ranger and the Junior Land Reforms Officer concerned should identify the land by joint inspection along with the representatives of the Panchayat Samity and lands so identified should be handed over to the Forest Department by exchange of letter pending formal transfer proceedings.

13. To implement the policy directive contained in paragraph 3 of the new directive on forest management, forest officers were requested to undertake quick reconnaissance survey of the occupiers of forest lands so that some benefits could be extended to the eligible occupiers within a very short time, say two months from now. Action for eviction should follow only after persuasion had failed and substantial benefit had been given to eligible persons as contemplated in paragraph 3.

14. It was also decided that the Department of S.C. and T.W. should supply small manual crushers for extraction of butter/oil from the seeds of Mahua, Neem or Karanj. Small distillation plants should be supplied through the LAMP so that leaves of the eucalyptus trees could be utilised for distillation of eucalyptus oil. Similarly, machines for rope making from sabai grass should be provided to every LAMP to enable the LAMPS to make better ropes from sabai grass that would be purchased by them.

15. It was felt that LAMPS should collectively bargain for better price for their various produces by opening outlets in big marketing centres. For this purpose they should have depots/storage godowns at strategic points so that they can hold on their stock for getting the best possible returns. In this connection it was suggested that Chandrakona Road which is fast developing as a big wholesale market for various forest produce should have a big marketing outlets for forest products of LAMPS.

16. Further operational directives should be issued by the concerned departments on the points mentioned above. Each circular should be issued with concurrence of all the concerned Department.

GOVERNMENT OF WEST BENGAL

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

No. 15035(24)-G.E., Calcutta, the 6th October 1980.

To—

(1) The Director of Land Records and Surveys,
West Bengal.

GOVERNMENT OF WEST BENGAL

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

(2) The Collector/Dy. Commissioner,.....

(3) The Settlement Officer,.....

R.S.O.

Subject : *Conferment of Document of Title on and bringing in records the names of refugees from erstwhile East Pakistan (now Bangladesh) in terms of West Bengal Acquisition of Homestead Land for Agricultural Labourers, Artisans and Fishermen Act, 1975.*

A reference is invited to Board's instructions contained in memo. No. 11025(24)-G.E. dated 27th August, 1980 regarding conferment of Document of Title on and bringing in records the names of persons eligible under the Act mentioned above. It has come to the notice of the Board that the refugees from erstwhile East Pakistan (now Bangladesh) who migrated on or before 16th December, 1971 and are in possession of private lands and are eligible under the said Act, are neither being brought in settlement records nor Document of Title is being conferred on them.

2. It is, therefore, enjoined that such refugees should immediately be brought into records as is done in other cases and Document of Title should also be immediately conferred on them.

3. A report on the progress of work in this respect may please be sent to the Board in due course.

A. K. CHAKRABORTI,
Special Officer and ex-officio
Secretary,
Board of Revenue, West Bengal.

Memo No. 15035/1-(23)-G.E.

Copy forwarded to the—

- (1) Commissioner,.....Divn.....
- (2) Private Secretary to the Minister-in-Charge, Land and Land Reforms Department/R.R. and R. Department.
- (3) Refugee Relief and Rehabilitation Department
- (4) The Additional District Magistrate (L.R.).....

for information.

A. K. CHAKRABORTI,
Special Officer and ex-officio
Secretary,
Board of Revenue, West Bengal.

Calcutta,
the 7th October, 1980

No. 14637(3)-G.E. 408/80, dated Calcutta, the 25th
September 1980

To—

- (1) The Collector, Midnapore.
- (2) The Deputy Commissioner, Purulia.
- (3) The Collector (Particularly for Raniband & Raipur P.S.), Bankura.

Subject : *Implementation of new directives on forest management in tribal areas—regularisation of occupation of forest land prior to August, 1977.*

A reference is invited to the new directives on forest management in tribal areas issued by the State Government (copy enclosed), the relevant extracts from which are reproduced below :—

- “3. The Government have decided not to recognise any Occupier of forest land who had encroached upon such land after August, 1977. About those who had been in occupation of the Reserve/Protected forest land prior to August, 1977 for a pretty long time, a screening would be done to find out who would be eligible under the criteria laid down in Section 49 of the West Bengal Land Reforms Act giving due priority to people belonging to Scheduled Tribes and Scheduled Castes. Those found eligible would be assigned Pattas up to an area not exceeding one acre per household. In cases where persons have settled deep inside the forest attempt should be made to persuade them to move to the periphery where they would be assigned similar type of land up to aforesaid limit. On the basis of this policy Forest Directorate should undertake a reconnaissance survey of the forest land as entered in the record-of-rights with the help of maps. They should identify and mark out on the map the plots which are under occupation of persons from before August, 1977. After such plots are identified in any particular area, screening, as described earlier, should be undertaken jointly by the representatives of the Collector, Panchayati Raj Institutions, Forest Department and S.C. & T.W. Deptt. This Committee should thereafter recommended the names of the eligible persons for being assigned Pattas and identify the ineligible persons, against whom action should be taken for eviction. Attempts should invariably be made to sort out problems amicably through persuasion as far as practicable”.

2. With a view to regularising the occupation of forest land in eligible cases as stated in the said directives, it has been decided that a Screening Committee shall be constituted in the concerned Land Reforms Circle as follows :—

1. J. L. R. O. of the Land Reforms Circle.....
Convener.

2. Ranger of the concerned area.
3. A representative of Scheduled Castes and Tribes Welfare Office of the district.
4. A representative of the Unnayan Parikalpana O Bhumi Sanskar Sthayee Samity.

3. It shall be the function of the Committee to screen the cases of the families, as may be referred to by the Officials of the Forest Directorate on the basis of the survey, if any, already made or to be made in pursuance of the aforesaid directives, to find out if they satisfy the prescribed test of eligibility, viz., in occupation of the forest land prior to August, 1977 and the criteria laid down in Section 49 of the West Bengal Land Reforms Act.

4. The Committee shall cause field enquiry to collect factual information about the exact date of occupation of the forest land. The general principle should be that the families had raised three or more crops prior to August, 1977 so as to qualify themselves for considering their cases in terms of the aforesaid directives.

5. The findings of the Committee shall be communicated to the Officials of Forest Directorate for taking necessary action, for denotification of the area under the Reserve/Protected Forest and to transfer the same in favour of the Collector of the district. The J. L. R. O. shall simultaneously initiate necessary proposal for issuing Pattas in favour of the eligible families up to an area not exceeding one acre per household.

6. For the purpose of implementation of the aforesaid directives, it is enjoined that the peripheral limits of a forest area shall be deemed to be the boundary of the mouja touched by the forest concerned.

7. It has been decided to initially take up the work in the district of Purulia, Jhargram Subdivision of Midnapore district, and Raniband and Raipur P.S. of Bankura district.

8. Necessary steps may be taken for constituting the Screening Committees in terms of para. 2 above and for taking up the work on a priority basis.

9. This issues with the concurrence of the S.C. & T.W. Deptt. and the Forest Deptt. of this Government.

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

Memo No. 14637/1(8)-G.E.

Copy forwarded to:—

- (1) S.C. & T.W. Deptt. of this Government.
- (2) Forest Department of this Government.
- (3) Addl. District Magistrate (LR), Midnapore/Bankura.
- (4) Addl. Deputy Commissioner (LR), Purulia.

- (5) Settlement Officer, Midnapore.
- (6) The Settlement Officer, Purulia/Burdwan-Bankura, Burdwan

for information and necessary action.

M. N. MITRA,
Deputy Secretary,
Board of Revenue, West Bengal.

Dated, Calcutta,
the 25th September 1980.

Memo. No. 14637/2(2)-G.E.

Copy forwarded to:—

- (1) The Commissioner, Burdwan Division, Chinsurah.
- (2) The Director of Land Records & Surveys, West Bengal, Survey Buildings, Alipore, Calcutta-27.

for information.

M. N. MITRA,
Deputy Secretary,
Board of Revenue, West Bengal.

Dated, Calcutta,
the 25th September 1980.

GOVERNMENT OF WEST BENGAL

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

No. 13060(18)-G.E. 449/79, dated, Calcutta the 28th
August 1980

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

The undersigned is directed to say that detailed instructions regarding determination of land revenue in terms of Section 23B of the L.R. Act were conveyed in Board's memo. No. 8724(18)-G.E., dated 13th July 1979. It has come to the notice of the Board that land revenue is not being assessed correctly by the J. L. R. Os. during mutation arising out of inheritance or transfer.

2. During assessment of land revenue after mutation orders are passed the following types of cases may arise. The nature of cases and the legal position regarding liability to pay revenue/cess in each are indicated below for guidance :

Nature of case	Legal position regarding: liability to pay revenue/ cess
1. (a) The transferor held land above the exemption limit, but after transfer his holding has been so reduced as to come below the exemption limit.	The transferor will not be liable to pay any revenue for the holding so reduced since the date of transfer. But he will be liable to pay cess on the basis of the revenue determined on prorata basis.

Memo No. 13060/1(79)-G.E.

Copy forwarded to—

- (1) D.L.R. & S., West Bengal.
- (2) The Commissioner,
- Division,
- (3) District Magistrate/Deputy Commissioner,
- (4) Settlement Officer,
- (5) The Sub-divisional Land Reforms Officer,
- (6) Land & Land Reforms Department.
- (7) Section A. II of Board's office,
for information.

N. G. SENGUPTA

Assistant Secretary,

Dated, Calcutta,
the 28th August 1980. Board of Revenue, West Bengal. >

GOVERNMENT OF WEST BENGAL

Land and Land Reforms Department

Land Reforms Branch

No. 1728(33)-L.Ref./333/80 G.E. dated Calcutta, the
the 14th August 1980

To—

The Collector,
The Additional District Magistrate/Additional
Deputy Commissioner (Land Reforms),Subject: Appointing the Junior Land Reforms Officers
to discharge the functions of Revenue Officers
under Section 50. of the West Bengal Land
Reforms Act.

The undersigned is directed to say that in this Department memo No. 20479(35)-L.Ref., dated the 21st August 1975, it was laid down that with a view to preventing any over-lapping of jurisdictions, the Junior Land Reforms Officers vested with the power under section 50 of the West Bengal Land Reforms Act under notification No. 20478-L.Ref., dated the 21st August 1975 would not function as Revenue Officers under the said section in mouzas where revisional settlement operation under section 51 of the Act is in progress till the records-of-rights of such mouzas are finally published.

It has come to the notice of the Government that in many cases persons intending to take loan for purposes like business, housebuilding, etc., are finding it difficult to mortgage the lands purchased by them as the same do not stand mutated in their names. On the other hand, in view of the above order, they have to wait till they can file objections on draft publication of the records for incorporation of their names therein.

In view of the genuine difficulty being experienced by the people, it has been decided by Government

- (b) The transferor continues to hold land above the exemption limit even after the transfer. He will be liable to pay revenue determined on prorata basis as also cess calculated on the basis of such revenue.
- (c) The transferor held land below the exemption limit before transfer and so continues after transfer. The transferor will not be liable to pay revenue for the lands left with him after transfer. He will however pay cess on the basis of the revenue determined on prorata basis.
2. (a) As a result of transfer the total land of the transferee (his previous land, if any, plus the land now acquired) exceeds the exemption limit. The transferee will be liable to pay revenue (revenue for previous land plus revenue for the acquired land calculated on prorata basis) since the date of transfer. He will also be liable to pay cess on the basis of revenue so determined.
- (b) The total land of the transferee continues to be below the exemption limit even after adding the acquired land with his previous land, if any. The transferee will not be required to pay any revenue. But revenue will have to be determined by adding with the revenue for his previous land, if any, the revenue calculated on prorata basis for the lands newly acquired by him. The cess will be payable for the revenue so determined.
- (c) The transferee held land above exemption limit before transfer and after transfer his land holding has increased. The transferee will be liable to pay revenue which will be the aggregate of revenue payable for his previous land and the revenue determined on prorata basis for the land newly acquired by him. He will be liable to pay cess calculated on the basis of such total revenue.
3. The revenue to be assessed for cases under 1(a), 1(c) and 2(b) above is notional and is to be used for the purpose of calculation of cess. Such revenue is not meant for collection.
4. All concerned may please be instructed accordingly.

[Sufficient spare copies enclosed for distribution among the officers concerned]

N. G. SENGUPTA,
Assistant Secretary,
Board of Revenue, West Bengal.

that in relaxation of the above orders, in genuine cases, the Junior Land Reforms Officers will also be competent to mutate the names of the purchasers of lands under section 50 of the West Bengal Land Reforms Act even in those mouzas where settlement operation is in progress subject to the following conditions—

- (i) Such mutation should be done only under express order of the Additional District Magistrate/Additional Deputy Commissioner (Land Reforms).
- (ii) Mutation would be allowed only in cases where the land purchased is required to be mortgaged for such bonafide reasons as securing bank loans or other institutional loan for building houses, starting industry, business, etc.
- (iii) Mutation would not be allowed in case where it prima facie appears that the transferor or transferee or both hold, on the date of transfer land in excess of the ceiling limit under the provisions of the West Bengal Land Reforms Act. Before allowing any such mutation the Junior Land Reforms Officers should consult the Settlement wing regarding the extent of land held by the transferor and transferee both.
- (iv) In allowing such mutation, orders contained in Board of Revenue memo. No. 16233-G.E., dated the 26th August 1976 should be followed.
- (v) Intimation of mutation done by Junior Land Reforms Officer should be invariably given to the corresponding officer of the settlement wing within a week of the mutation.
- (vi) The Junior Land Reforms Officers should maintain a separate register for the cases of such mutation in the proforma enclosed.
- (vii) It would be the duty of the Sub-Divisional Land Reforms Officer to personally check these cases of mutation since the number of such cases is likely to be limited.

Calcutta, M. C. DUTTA,
The 14th August 1980. Deputy Secretary to the
Government of West Bengal.

No. 1728(33)/1(126)-L. Ref.

Copy forwarded for information to the :—

- (1) Board of Revenue, West Bengal.
- (2) Director of Land Records & Surveys, West Bengal.
- (3) Commissioner of,.....Division.
- (4) Settlement Officer,
- (5) Sub-Divisional Officer,
- (6) Charge Officer,
- (7) Sub-Divisional Land Reforms Officer,

Calcutta, M. C. DUTTA,
The 14th August 1980. Deputy Secretary to the
Government of West Bengal.

GOVERNMENT OF WEST BENGAL

Office of the Board of Revenue, West Bengal

Section A, G.E. Branch

No. 12056(4)-G.E. 315/80, dated Calcutta, the 11th
August 1980

To—

The Collector/Deputy Commissioner.....

Subject : 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 up to 26-6-75 would be considered under the scheme and that the work might be started in selected areas, where there had been heavy concentration of refugees, for regularisation of homstead 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 refugee families who would be benefited under the scheme. After such identification only, it would be possible to find out the quantum of homstead 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. O.s may be advised to extend all possible help and cooperation to the officials of the Refugee Relief and Rehabilitation Department.

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

Calcutta, the 11th August,
1980.

Memo No. 12056/1(7)-G.E.

Copy forwarded to—

(1) The Refugee Relief and Rehabilitation Department

(2) The Commissioner

Division.....

(3) The Additional Collector/The Additional Deputy Commissioner

for information and necessary action.

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

GOVERNMENT OF WEST BENGAL

Departments of Forest, Land and Land Reforms,
Scheduled Castes and Scheduled Tribes
Welfare and Board of Revenue

NEW DIRECTIVES ON FOREST MANAGEMENT IN TRIBAL AREAS

Dependence of tribals on forests for their livelihood is wellknown. In certain areas the tribals had customary usage of gathering brushwood/fuel wood, leaves, flowers, fruits and seeds of certain trees from the forests free of cost. That apart, occasionally under the erstwhile private forest they could take wood for making ploughs or rafters of the houses from forests. With the vesting of the forests in the State and their subsequent conversion to Reserve/Protected forests the customary usage ceased to exist. Discontinuance of this usage had adversely affected the life of the tribals dependent on forest.

1.2. Of late, there have been increasing instances of large scale illicit extraction of wood from the forest areas. One of the reasons could be ascribed to involuntary withdrawal of customary practices. It has also created misunderstanding among the forest based population about Government's policy regarding maintenance, promotion, development and protection of forests. It is recognised that protection of forests can only be ensured with the willing participation of the population whose life is dependent on forestry. It is also recognised that without forests, the life of the population dependent on forestry would be adversely affected. Hence, a balance has to be struck between the national need for protection and development of forests and the customary usages on which the life style of the tribals depend.

2.1 In view of this the Government have decided to allow the tribals free of charge—

- (i) to collect brushwood/jhanti for domestic use—head load per individual and cart load per group;
- (ii) to gather leaves, flowers, fruits and seeds of trees like Mohua, Peasal, Kendu, Sal, etc.;

(iii) to have one pole per tribal household per annum for being used as plough, and three poles tribal household for house construction every five years; and

(iv) to assign any tree in the forest as Jaher Than for the purpose of offering prayers and worship by tribals.

2.2. The Forest Directorate in consultation with the Panchayats would issue free permits to not more than two persons per tribal household situated in or around the Reserve/Protected forest area. The permit would indicate clearly the privileges that are being granted under the new forest policy for the tribal area. No fee would be levied for issuing permits.

3. The Government have decided not to recognise any occupier of forest land who had encroached upon such land after August 1977. About those who had been in occupation of the Reserve/Protected forest land prior to August 1977 for a pretty long time, a screening would be done to find out who would be eligible under the criteria laid down in section 49 of the West Bengal Land Reforms Act giving due priority to people belonging to Scheduled Tribes and Scheduled Castes. Those found eligible would be assigned Pattas up to an area not exceeding one acre per household. In cases where persons have settled deep inside the forest attempt should be made to persuade them to move to the periphery where they would be assigned similar type of land up to aforesaid limit. On the basis of this policy Forest Directorate should undertake a reconnaissance survey of the forest land as entered in the record-of-rights with the help of maps. They should identify and mark out on the map the plots which are under occupation of persons from before August 1977. After such plots are identified in any particular area, screening, as described earlier, should be undertaken jointly by the representatives of the Collector, Panchayati Raj Institutions and Forest Department. This Committee should thereafter recommend the names of the eligible persons for being assigned Pattas and identify the ineligible persons, against whom action should be taken for eviction. Attempts should invariably be made to sort out problems amicably through persuasion as far as practicable.

4.1. For increasing employment potential, Government desires that downstream activities for processing of the forest produce, to the extent possible, should be undertaken departmentally either by the Forest Directorate or by the Tribal Welfare Department of by the existing LAMPS. Similarly attempts should be made for large scale afforestation under the DPAP departmentally. In the areas where vested non-agricultural lands in sufficiently big chunks would not be available. Centrally sponsored scheme for mixed plantation should be implemented on small lots under the control of Panchayat. Vested non-agricultural land, which would not be taken over by Forest Directorate should be made over to the Panchayat for raising mixed plantation.

4.2. Coupe operation should be given to Labour Co-operatives/Societies/LAMPS of tribals to the extent possible. Forest Directorate should employ as casual/temporary workers whether directly or through contractors mainly from amongst the Scheduled Castes and Scheduled Tribes households

situated in and around the forest. Induction of labour from outside should be avoided as far as practicable. Forest protection staff whether on regular or casual basis should also preferably be engaged from amongst the tribals and Scheduled Castes population of the area.

5. Government expects that with these privileges which are vital to the life of the tribal population, misunderstanding that had developed in certain areas would be removed and mutually beneficial and harmonious relationship would develop between the forest administration and the local people particularly the tribals. Government also expects that with this new forest policy the tribals would spontaneously come forward to help the Government in protecting and developing the forest wealth of the nation.

Writers' Buildings,
Calcutta,
The 28th July 1980.

Note : Detailed operational instructions are being issued separately by the respective departments.

GOVERNMENT OF WEST BENGAL

Office of the Board of Revenue, West Bengal
Section-A, Branch G.E.

Memo. No. 11340(2)-G.E. 192/80, dated Calcutta,
the 28th July 1980.

To—
The Additional District Magistrate (L.R.),
24-Parganas, Alipore.
The Additional Deputy Commissioner, Purulia.

Subject : *Settlement of land to service personnel.*

Ref : His D.O. No. 4715-L.R., dated 10th April 1980
His Nos. 563-L.R., dated 20th March 1980
and 720-L.R., dated 8th April 1980.

A copy of Board's memo. No. 13376-G.E., dated 13th/26th October 1979 is sent herewith for information and necessary action.

N. G. SENGUPTA,
Officer on Special Duty,
Board of Revenue, West Bengal.

Memo. No. 11340/1(15)-G.E.

Copy with a copy of Board's memo. No. 13365-G.E., dated 13th/26th October 1979 forwarded to all the—

Additional District Magistrate(L. R.).....

Additional Deputy Commissioner,(L. R.).....

N. G. SENGUPTA
Officer on Special Duty,
Board of Revenue, West Bengal
Calcutta,
The 28th July, 1980.

GOVERNMENT OF WEST BENGAL

Office of the Board of Revenue, West Bengal

No. 13376-G.E. 555/77, dated Calcutta the 13th/26th
October 1979.

To—
The Additional District Magistrate(L.R.),
Midnapore.

Subject : *Settlement of land to the service personnel.*

Ref. : His memo. No. 1300-L.R.M. dated 5th
March 1979.

The undersigned is directed to say that in the Land Reforms Circles where the quota of lands earmarked for distribution amongst the service personnel has been exhausted, no further distribution should be made in accordance with the principles of special benefit extended to such personnel under orders of the Board. The military personnel may now be treated as on the same footing with others in the matter of distribution of lands and settlement made in consultation with the Sthayee Samities on Land Reforms acting as Block Level Land Reforms Advisory Committee.

A. K. CHAKRABORTI,
Special Officer and ex-officio
Secretary,

12th October 1980. Board of Revenue, West Bengal.

GOVERNMENT OF WEST BENGAL

Office of the Board of Revenue, West Bengal
Section A, Branch G.E.

No. 11342-G.E. 192/80, dated Calcutta, 28th July 1980

To—
The Additional District Magistrate (L.R.),
Murshidabad.

Subject : *Quantum of land for settlement with the service-personnel*

Reference : His No. 2089-I.R., dated 16th June 1980

In terms of Board's memo. No. 13376-G.E., dated 13th/26th October 1979, copy sent under Board's No. 11340(2)-D.E., dated 28th July, 1980, the special benefit so long extended to the service personnel and their families in the matter of distribution of vested land has been withdrawn and that no further land will be earmarked especially for them where such quota has been exhausted. Their cases for allotment of land are to be treated as on the same footing with others.

The upper limit of vested land that can be allotted to the eligible persons as set forth, i.e., 1 acre instead of 1 hectare subject to other conditions in term of Board's memo. No. 6225(18)-G.E., dated 26th May 1979, will also apply in cases of service personnel.

A. K. CHAKRABORTI,
Special Officer and ex-officio
Secretary,
Board of Revenue, West Bengal.

Memo. No. 11342/1(18)-G.E.

Copy forwarded for information and guidance to all others.

Additional District Magistrate.....
Additional Deputy Commissioner.....

A. K. CHAKRABORTI,
Special Officer and ex-officio
Secretary,
Board of Revenue, West Bengal.
Calcutta,
The 28th July, 1980.

GOVERNMENT OF WEST BENGAL

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

No. 11075(19)-G.E. 336/80, dated Calcutta, the 22nd
July 1980.

To—

- (1) The D.L.R. & S., West Bengal.
(2) The A.D.M.(L.R.)/A.D.C.(LR),.....

Subject : *Issue of certificate for the purpose of Farmers' Old Age Pension.*

In terms of rule 3 of the West Bengal Farmers' Old-age Pension Rule, 1980 a person shall be entitled to the benefit of old-age pension if he fulfils among other things the following conditions, namely—

- (i) He cultivated as a bargadar land measuring not more than 2 acres, or
(ii) He owns not more than one acre of agricultural land in the aggregate and cultivated/cultivates the same, or
(iii) He is an agricultural labourer.

2. Persons belonging to categories (i) and (ii) above are required under the rules to furnish along with their pension application, certificates from the concerned Junior Land Reforms Officer or competent Revenue Officer regarding the quantity of land cultivated by them as a bargadar or owned and cultivated by them, as the case may be:

3. There will be the following three categories of applicants for issue of such certificates—

- (a) (i) Persons who possess either parcha or bargadar's certificate.
(ii) No separate certificate for farmers' old-age pension need be issued to such persons. They should be advised to furnish the parcha or the bargadar's certificate, as the case may be, with their application for pension.
(b) (i) Persons owning and cultivating land or cultivating land as bargadar who have been recorded in the settlement records, but have not been so far given any parcha or bargadar's certificate.
(ii) As soon as they approach the Junior Land Reforms Officer/Revenue Officer immediate action should be taken to give them the above certificates and they should be advised to furnish the same along with their application form as in (a) above.
(c) (i) Persons who own and cultivate land as raiyat or cultivate land as bargadar but have not been brought into the records.
(ii) A statement should be obtained from them with details of the land owned or cultivated as bargadar. The statement so obtained should be verified with the records. Where revisional settlement under section 51 has not yet been taken up the Junior Land

Reforms Officer should issue the certificate after verifying the statement with the first copy of the Records-of-Right, Tenants' Ledger and other ancillary records. If necessary local enquiries may also be held to verify the veracity of the statement. Where revisional settlement has been taken up the Revenue Officer, i.e. Halka Officer/Attestation Officer/Circle Officer should issue the certificate after verifying the statement with the records in whatever stage they lie. A certificate regarding land owned or land cultivated as bargadar should be issued on completion of such verification. Stage of settlement proceedings in which the records lie at the time of verification should be clearly indicated in the certificate.

(iii) Simultaneously necessary action should be initiated for recording of the names of such raiyats or bargadars in the settlement records.

4. A model certificate is enclosed which may be used with modification, if necessary, according to the local conditions.

5. A register with details of the persons to whom such certificates are issued should be maintained.

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

Memo. No. 11075/1(136)-G.E.

Copy forwarded to—

- (1) The Settlement Officer,.....
(2) The Charge Officer,.....
(3) The Subdivisional Officer,.....
(4) The Subdivisional Land Reforms Officer
.....
for information and necessary action.

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

Dated Calcutta.,
the 22nd July 1980.

GOVERNMENT OF WEST BENGAL

Office of the Junior Land Reforms Officer/
Revenue Officer, etc.

Certificate regarding land cultivated as bargadar/land owned as raiyat for the purpose of Farmers' Old Age Pension.

This is to certify that Shri/Sm.....
.....son/daughter/wife of
..... (address)

is a bargadar in respect of.....acres of land, owns.....acres of land in mouzas comprised in the jurisdiction of this circle/Halka/Camp.

This certificate is issued on the basis of the first copy of the R.O.R.*/ entries in the Khanapuri-Bujharat/ attested/draft published records.

Seal

Signature of

J.L.R.O./Revenue Officer.

*Strike out whatever is not necessary.

GOVERNMENT OF WEST BENGAL

Office of the Board of Revenue, West Bengal
Section A-I, G.E. Branch
Land Reforms 8/80

No. 10575-G.E. 443/79, Calcutta, the 16th July, 1980.

To

The Director,
Land Records and Surveys,
West Bengal.

Subject : *Taking over possession of vested lands under section 14T(3) of West Bengal Land Reforms Act.*

In continuation of Board's Memo No. 8995-G.E. (Land Reforms-7/80), dated 17th June 1980 the under signed is directed to state that the procedure envisaged therein should be followed for taking over possession of lands in respect of which vesting orders under section 14T of the West Bengal Land Reforms Act are passed by the Revenue Officer on or after 1st August 1980.

The existing procedure should be followed for taking over possession of lands vested as a result of orders passed by the Revenue Officer prior to 1st August 1980.

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

Memo. No. 10575/1(161)-GE

Copy forwarded to—

- (1) The Commissioner,Division.
- (2) The District Magistrate/Deputy Commissioner,
.....
- (3) The Additional District Magistrate/Additional
Deputy Commissioner
- (4) The Settlement Officer.....
- (5) The Charge Officer.....
- (6) The Subdivisional Officer.....
- (7) The Sr. Land Reforms Officer.....
- (8) Section A-III/C-I/C-II
for information

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

Dated Calcutta,
The 16th July, 1980

GOVERNMENT OF WEST BENGAL

Office of the Board of Revenue, West Bengal
Section A-I, G.E. Branch

Land Reforms 7/80

No. 8995-G.E. 443/79, dated Calcutta, the 17th June, 1980.

To

The Director of Land Records and Surveys,
West Bengal.

Subject : *Taking over possession of vested lands under Section 14T(3) of West Bengal Land Reforms Act.*

Section 14T(3) of the West Bengal Land Reforms Act provides that the Revenue Officer may on receipt of a return submitted under sub-section (1) or sub-section (2) of Section 14T or on his own motion, determine the extent of land which is to vest in the State under section 14S and take possession of such lands.

Under notification - No. 26500-L. Ref., dated 29th October 1975, issued by the Land and Land Reforms Department, (a) all Special Revenue Officers, Grade-II, (b) all Junior Land Reforms Officers, (c) all Settlement Kanungos, Grade-I, and (d) all Settlement Kanungos, Grade-II have been appointed to discharge, within their respective jurisdiction, the functions of the Revenue Officer under Section 14T *ibid.*

So long the Junior Land Reforms Officers have been taking over possession of the lands vested under the West Bengal Land Reforms Act within their respective jurisdiction. The question has been reviewed by the Board in view of the provision for determination of land exceeding the ceiling and taking over possession of the vested lands in the same section, namely, Section 14T(3) it is desirable that the same Revenue Officer who determines the extent of excess land should take over possession of such lands after vesting. This will also facilitate payment of compensation for such lands.

It has accordingly been decided by the Board that henceforth only the Special Revenue Officers, Grade-II and Settlement Kanungos, Grade-I will take over possession of vested lands under section 14T of the West Bengal Land Reforms Act within their respective jurisdiction. After taking over possession, they will send lists of such lands to the respective Junior Land Reforms Officers who will enter the lands in Register VIII and will take steps for distribution of the same. While taking possession of vested lands, the Special Revenue Officers-II or Kanungos-I will take with them a representative of the Junior Land Reforms Officer in whose jurisdiction the lands have been vested and are proposed to be taken possession of.

He is requested to issue directions to all concerned accordingly.

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

Memo. No. 8995/1(161)-G.E.

Copy forwarded to—

- (1) The Commissioner, Division
- (2) The District Magistrate/Deputy Commissioner,
.....
- (3) The Additional District Magistrate/Additional
Deputy Commissioner,
- (4) The Settlement Officer,.....
- (5) The Charge Officer,.....
- (6) The Sub-divisional Officer.....
- (7) The Sub-divisional Land Reforms Officer,
.....
- (8) Section C-I/C-II.
for information.

S. SINGH
Secretary,

Dated Calcutta,
The 17th June, 1980. Board of Revenue, West Bengal.

GOVERNMENT OF WEST BENGAL

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

No. 4284-G.E., dated Calcutta, the 22nd/28th
March, 1980

To
The Joint Secretary, to the Govt. of West Bengal
Agriculture Department,
(Cr. & W.B. Branch).

Subject : *Identification of small and marginal farmers
in case of loans of the Co-operative Banks for
execution of M.I. Schemes.*

Ref : *His memo. No. 513-Cr. & W.B. 9M-71/79,
dated 26-2-80, addressed to the Member,
Board of Revenue, West Bengal.*

The undersigned is directed to refer to his memo.
cited above and to re-iterate that it is the responsibility
of the concerned department which implements the
M.I. Schemes to identify the small and marginal farmers.
However, in view of the fact that in case of Crop Insu-
rance Scheme, it was decided that Junior Land Reforms
Officers would certify land holdings of small and
marginal farmers on the basis of the records available
with them, it has further been decided by the Board
that similar facility would be extended also in the case
of loans of Co-operative Banks for execution of M.I.
Schemes. Necessary instructions are being issued from
this end to the Add. District Magistrate/Addl. Deputy
Commissioners (LR).

Co-operation Department and the Registrar of
Co-operative Societies are also being informed.

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

Memo. No. 4284/1(18)-G.E.

Copy forwarded to—

- (1) Addl. District Magistrate (LR)/
Addl. Deputy Commissioner (LR.),.....
.....for information and necessary action.
- (2) The Junior Land Reforms Officers may be
requested to follow the instructions contained
in Board's memo. 16525/1(18)-G.E., dated
18-12-79, in this case also.

- (3) This has a reference to memo. No. 29476(16)
IV-1524/78, dated 7-12-79, from the Registrar
of Co-operative Societies to the District Magis-
trates/Deputy Commissioners.

A. K. CHAKRABORTI,
Special Officer & (ex-officio)
Secretary,

Calcutta,
The 24th & 28th March 1980. Board of Revenue, West
Bengal.

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

No. 16321-G.E. 696/79, dated Calcutta, the 12th Decem-
ber, 1979/12th March, 1980

To
The Additional District Magistrate (LR),
Midnapore.

Subject : *Recording of "heley mosur" as bargadar.*

Ref : *Her D.O. No. 808-CLR, dated 15th November 1979*

The undersigned is directed to say that under the
'heley mosur' system, the persons engaged for culti-
vating lands of other persons take the produce of a
plot of land as his share of produce. Thus such persons
come under the definition of bargadar given in section
2(2) of the W.B.L.R. Act. Such persons should,
therefore, be recorded as bargadar.

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

Memo. No. 16321/1(26)-G.E.

Copy forwarded to—

- (1) Director of Land Records and Surveys, West
Bengal.
- (2) Additional District Magistrate (LR)/
Additional Deputy Commissioner(LR),
.....
- (3) Settlement Officer,.....
for information.

A. K. CHAKRABORTI,
Special Officer & (ex-officio)
Secretary,

Calcutta,
The 12th December 1979. Board of Revenue, West
Bengal.

GOVERNMENT OF WEST BENGAL

Board of Revenue, West Bengal
Section-A, G.E. Branch

No. 192(75)-G.E., dated Calcutta, the 9th January 1980

To—

- (1) The Additional District Magistrate (LR),
- (2) The Additional Deputy Commissioner (LR),
- (3) The Settlement Officer,.....
- (4) The Subdivisional Officer,.....

1. It has come to the notice of the Board of Revenue
that in some cases officers appointed under section 18
of the West Bengal Land Reforms Act, 1955, passed
combined and conditional orders for termination of
cultivation by bargadar, where cases were filed under

section 18(1)(a) only or cases were filed simultaneously under sections 18(1)(a) and 18(1)(b). For example, in a case of this nature under section 18(1)(a), an officer appointed under section 18 passed order to the effect that in the event of the bargadars' failure to deliver the share of produce to the owner within the specified date, the bargadar would be evicted from the land under his cultivation. Such an order is not in accordance with the provisions of the Act for the following reasons.

2. Termination of cultivation by the bargadar cannot be made except in execution of an order made on one or more of the grounds stated in section 17(1). Section 17(1)(c) and its proviso should be read with section 18. An owner of a land has the option to file application under section 18(1)(a) or 18(1)(b) or to file applications under both the sections 18(1)(a) and 18(1)(b) simultaneously. If the owner chooses to simply file an application under Section 18(1)(a), the officer appointed under section 18 cannot proceed to give him a relief under section 18(1)(b), since such relief has not been prayed for under section 18(1)(b) and until an order passed under section 18(1)(a) is disobeyed by the bargadar. In other words, only when an order under section 18(1)(a) is disobeyed by the bargadar or the order is not satisfied even in the execution stage, then and then only the cause of action arises for an order under section 18(1)(b) for termination of cultivation by bargadar.

3. Where an owner files applications under sections 18(1)(a) and 18(1)(b) simultaneously, the application under section 18(1)(a) should be taken up for hearing at first and until an order passed under section 18(1)(a) is either disobeyed or is not satisfied in the execution stage, no order can be passed under section 18(1)(b) for termination of cultivation, though a simultaneous application has been made under section 18(1)(b). Such an application under section 18(1)(b) should be kept pending till that stage is reached and it will be taken up for disposal at that stage only.

4. However, in a case, where no prayer is made under section 18(1)(a), but a prayer for termination of cultivation is made under section 18(1)(b) straightway, an order for termination of cultivation by bargadar can be made without an order under section 18(1)(a) (since there was no application under that provision), if one or more of the grounds laid down in section 17(1) is/are proved.

All concerned may please be instructed accordingly.

K. P. DE,
Deputy Secretary,
Board of Revenue, West Bengal.

No. 192/1(428)-G.E.

Copy forwarded to—

- (1) The Commissioner,.....Division,
.....
- (2) The Director of Land Records and Surveys,
West Bengal.
- (3) The Collector/Deputy Commissioner,.....
.....
- (4) The Settlement Charge Officer,.....

(5) The Subdivisional Land Reforms Officer,
.....
(Spare copies for distribution amongst the
J. L. R. Os are enclosed)
for information.

K. P. DE,
Deputy Secretary,
Calcutta,
The 9th January, 1980. Board of Revenue, West Bengal.

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

Land Refoms 1/80

No. 382(42)-G.E. 474/78, dated Calcutta, the 28th
January, 1980

To

- (1) The Director of Land Records & Surveys,
West Bengal.
- (2) The Collector,.....
- (3) The Addl. District Magistrate (L.R.)/
The Addl. Deputy Commissioner (L.R.),
.....
- (4) The Settlement Officer,.....

Subject : Operation Barga.

Recently by an order [No. 425(23)-G.E., dated 16-1-80] of the Board of Revenue the time limit for Operation Barga has been extended up to 30th June 1980. The programme of recording of bargadars for the entire State has been reviewed. Total number of bargadars recorded up to 30th November 1979 is 7,72,924. This figure includes bargadars recorded in K-B stage.

2.1. The review revealed a downward trend in the rate of recording of bargadars during the last few months. It is time that the programme is resumed in all seriousness in all the districts so that the estimated target can be reached by the target date.

2.2. The question of any change in the methodology was considered. It was found that no major change was necessary though a number of inadequacies in the implementation of the present methodology became evident. It was noticed that area of operation was not always correctly selected; that evening meetings were not always held in the evening and at places where bargadars generally resided; that adequate prior publicity was often not given, that organisations of rural workers were not always properly informed; that operation did not immediately follow the evening meetings; that squads, officers-staff did not stay in the vicinity of the area of operation and instead commuted from static posts, that field verifications were not always done with expedition and promptitude that was necessary for this quick operation; that barga certificates were not distributed immediately after the operation was over, and that subsequent entries in the R. O. R. were not made immediately on completion of the work in most of the cases.

3. What is more important now is to identify the areas where there is high incidence of unrecorded bargadars and to take up the work in those areas irrespective of whether Operation Barga/K-B was done

there previously or not. A system for collecting correct information on bargadars should be evolved. The sources of information will be, apart from the personal knowledge of the officers and the functionaries posted in the areas, the information furnished by the Peasants' Organisations and Panchayat bodies. It should be remembered that the fact that Operation Barga was conducted in an area, would not necessarily mean that a total coverage in the matter of recording of bargadars had been ensured. In areas where still sizeable number of unrecorded bargadars is believed to exist, another attempt will surely yield results.

4. In view of the above position the following steps should be immediately taken :

- (1) The identification of priority pockets in all the districts should be made.
- (2) Squads of officers as indicated in Board's Memo. No. 12304(27)-G.E., dated 5-7-78, should start functioning immediately.
- (3) If J. L. R. O.s cannot be associated with the squads for compelling reasons, Circle Inspectors may be deputed.
- (4) The S. L. R. O. should be actively associated with the Squads where Circle Inspectors have been deputed in place of J. L. R. O.s

5. A large number of petitions of bargadars praying for recording of their names is pending disposal in some of the districts. These petitions have to be attended to immediately. The number of such petitions should be assessed and assigned to required number of officers with direction to dispose those of within a fixed date. The relevant provisions in West Bengal Land Reforms Rules requires that a certificate should be given to the bargadar recorded either under section 50 or 51 of the Land Reforms Act. It should be ensured that such certificates are given to the bargadars immediately on recording of their names.

6. Meetings should be held only in the evening so that proper attendance of the persons interested to record their names is ensured.

7. With the target date fixed at 30th June, 1980 there are only five months available for the job. In order to reach a reasonable target another six lakh bargadars are yet to be recorded. Therefore, the target of recording per month would be to the tune of 1,20,000. The districtwise breakup of the target assessed having regard to the trend of recording of bargadars, number of L.S. bargadars, etc. is given in the enclosed sheet.

8. The Additional District Magistrate (L.R.)/Additional Deputy Commissioner (L.R.) and the Settlement Officers are requested to immediately prepare list of priority pockets and take up the work.

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

Memo. No. 882/1(412)-G.E.

Copy forwarded for information to :—

- (1) The Commissioner,.....Division,
.....

- (2) The Settlement Charge Officer,.....
- (3) The Subdivisional Officer,.....
- (4) The Block Development Officer and Executive Officer (ex-officio),Panchayat Samiti.

A. K. CHAKRABORTI,
Special Officer and (ex-officio)
Secretary,
Calcutta,
The 28th January 1980. Board of Revenue, West Bengal.

Districtwise Break-up of Target of Barga Recording

Name of the District	Monthly Target
(1) 24-Parganas ..	12,000+2000+2000 =16,000
(2) Howrah ..	6000+1000 =7000
(3) Nadia ..	10,000
(4) Murshidabad ..	10,000
(5) Burdwan ..	10,000
(6) Birbhum ..	4000
(7) Bankura ..	4000
(8) Midnapore ..	12000+2000+1000 =15000
(9) Hooghly ..	8000
(10) Malda ..	8000
(11) West Dinajpore ..	8000
(12) Cooch Behar ..	8000
(13) Jalpaiguri ..	8000
(14) Darjeeling ..	4000
Total : ..	1,20,000

GOVERNMENT OF WEST BENGAL

Office of the Board of Revenue, West Bengal
Section-A.I, G.E. Branch

Land Reform 5/80

No. 4157(27)-G.E. 474/78, dated Calcutta, the 20th
March 1980

To

- (1) D.L.R. & S., West Bengal.
- (2) A.D.M. (LR)/A.D.C.(LR),.....
- (3) The Settlement Officer,.....

Subject : Operation Barga—recording of bargadars on petitions.

A reference is invited to Board's Memo. No. 882(42)-G.E. dated 28.1.80 wherein it was enjoined that the Operation Barga should be completed by 30.6.80. It is expected that the programme of Operation Barga as envisaged in para 4 of the said memo. has been chalked out in the meantime and the work taken up in right earnest. All efforts should be made to achieve success in this matter.

In this connection particular attention is drawn to para 5 of Board's Memo. under reference. It was envisaged that the petitions from Bargadars for recording

their names in the settlement records should be disposed of within a fixed date. The matter was discussed in the meeting of the Commissioners, D.M.S., A.D.M.S., and Settlement Officers held at Rotunda on 12.3.80. It was felt during discussion that a large number of such petitions is pending for disposal in different districts.

Immediate steps may please be taken for disposing of the petitions. A report as to the action taken in this regard may also please be sent to the Board.

The number of petitions pending in his district on 31.3.80 should be reported to the Board by 15.4.80 positively. Thereafter monthly report of disposal of such petitions may kindly be sent to the Board.

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

Memo. No. 4157/1(92)-G.E.

Copy forwarded to the :

- (1) Commissioner,.....Division,.....
- (2) District Magistrate,.....
- (3) Settlement Charge Officer,.....
- (4) Subdivisional Officer,.....

for information.

S. SINGH,
Secretary,
Dated Calcutta, The 20th March 1980. Board of Revenue, West Bengal.

D. Bandyopadhyay, IAS.

5099(24)-G.E. 474/78, dated 5th April 1980

My dear,

After a short sojourn of two months abroad, I am back.

Monthly target of recording of Bargadars was fixed by Board of Revenue's No. 882(42)-G.E., dated 28.1.80 to ensure substantial completion of the work by the extended time limit of 30th June, 1980. I understand that in the meeting that was held in the Rotunda on 12th March, 1980, some participants expressed doubts about the possibility of fulfilling this monthly target. I do not know whether before expressing such an opinion any attempt was made for organising the work and mobilising manpower and resources for fulfilling the objective. Any discussion following such action would have been meaningful. But as far as I could gather opinions were expressed freely on a priori personal predilections rather than on experience arising out of actual work. Of course this is nothing new. It always happens in such meetings in our State where a "free style" ethos dominates the proceedings. Unfortunately, we are now fairly close to the deadline. Hence chances are that you may have to step up the monthly out turn to achieve the target.

Meanwhile, a circular [No. 4157(27)-G.E., dated 20.3.80] was sent from the Board of Revenue about

disposal of pending petitions for barga recording. K-B disposal of petitions and evening meetings followed by instant recording of bargadars are all parts of the same programme—'Operation Barga'. Therefore, there should not be any confusion in anybody's mind about Operation Barga. If you have any confusion, I repeat, any process which hastens recording of bargadar is Operation Barga. Kindly fix up programmes for evening meetings, disposal of pending petitions and hastening of K-B work particularly regarding recording of Bargadars in such a way that by June 30, 1980 you might be in a position to report substantial fulfilment of the target. We shall be grateful to have copies of the programmes so fixed after joint consultation with the officers engaged in this task.

Yours sincerely,
D. Bandyopadhyay.

Memo. No. 5099/1(18)-G.E.

Copy forwarded to :

- (1) A.D.M. (LR)/A.D.C.(L.R.),.....

for information.

D. BANDYOPADHYAY,
Dated Calcutta, The 5th April 1980. Land Reforms Commissioner, West Bengal.

D. Bandyopadhyay, IAS.

5410(33)-G.E. 474/78, dated 11th April 1980

Kindly refer to my letter No. 5099(24)-G.E., dated 5.4.80. All out mobilisation of manpower is required to complete 'Operation Barga' by the 30th June, 1980. S.L.R.O's should be fully utilised in organising the evening meetings and leading the Operation Barga Squads. I know the collection season is still going on in full swing. Hence, either the C.I. or the J. L. R. O. should always be associated with the O.B. squad. Full involvement of the Management Wing with this work is essential to achieve the target. I have written to you to let us know the programme you have fixed for O.B. I intend to undertake extensive tour for a random check.

Yours sincerely,
D. Bandyopadhyay.

To—
All Collectors

(Copy)

Memo. No. 5410/1(9)-G.E.

Copy to :

- (1) The D.L.R. & S., West Bengal.
- (2) The Settlement Officer,.....

D. BANDYOPADHYAY,
Land Reforms Commissioner,
West Bengal.

Dated Calcutta,
The 11th April 1980.

D. Bandyopadhyay,
Land Reforms Commissioner,
West Bengal.

No. 16162-G.E. 428/80, dated 8th November, 1980.

My dear,

I hope you will agree with me that the following table regarding recording of Bargadars makes a dismal reading:

Month	Performance (In round figures)
April-July 1980	.. 30000 (on an average)
August, 1980	.. 19000
September, 1980	.. 10000

When the average performance could reach 30000 a month on the average for a period of continuous three months I find no other reason for this abrupt fall excepting slackening in efforts on the part of officers and staff.

Had it been the case that the performance in other items has shown remarkable improvement one could perhaps ignore this fall from administrative point of view. But the total picture is equally depressing. Nothing seems to move in this vast organisation. Only recent development is related to crop survey in 2000 mouzas for which amins have been drafted for a fortnight. Certainly this should not be shown as an alibi for this poor achievement.

We cannot carry on any special programme indefinitely. We have to ring down curtain one day or other. The current period of O.B. is expiring on 30th November 1980. We are considering extension of the time by, say, another three to four months. If it were done we must have a definite programme to reach a definite target by the end of the finally extended period. At the rate of 30000 per month in four months we could have an additional recording of 1.20 lakhs bargadars. Recently, we have promoted 101 Kanungos-I/Junior Land Reforms Officers as S.R.Os-II. Your organisation was running short of this crucial senior management staff. Now that you are getting them, I hope you could form task forces headed by these newly promoted ones in areas where you expect best result and achieve the target of 3 lakhs in case the time is extended up to March 1981. All that is required is extra effort on the part of Settlement Officers, Additional District Magistrates(L.R.) and other functionaries of the Board of Revenue and in districts for deploying manpower and supervising the work of joint squads at the village cluster level.

Pending receipt of formal orders from the Government regarding extension of time you may advise the Settlement Officers to start planning, deployment of manpower and implementation of the scheme on the basis of this letter.

Copies of this letter are being endorsed to all your Settlement Officers and Additional District Magistrates (L.R.) for advance action.

Shri S. Singh,
D.L.R. & S., West Bengal,
Alipore, Calcutta.27.

Yours sincerely,
D. BANDYOPADHYAY.

Memo. No. 16162/1(26)-G.E. 428/80

Copy forwarded to—

- (1) Additional District Magistrate(L.R.),.....
- (2) Settlement Officer,.....

for information and necessary action.

A. K. CHAKRABORTI,
Special Officer and (ex-officio)
Secretary,

Dated Calcutta,
The 10th November, 1980. Board of Revenue, West Bengal.

GOVERNMENT OF WEST BENGAL

Office of Board of Revenue, West Bengal
Section-A(I), D.E. Branch

No. 16166(27)-G.E. 594/80., Dated Calcutta, the 10th November 1980.

To—

- (1) The Director of Land Records and Surveys,
West Bengal,
- (2) The Additional District Magistrate/
The Additional Deputy Commissioner,
- (3) The Settlement Officer,.....

Subject : Operation Barga-night halts, etc. by the functionaries associated with.

A reference is invited to paras 3.3.1 and 3.3.3. of the operational decisions of the Third Workshop on land reforms held on 15th and 16th September, 1980.

2. The following two factors were identified to be responsible for retarding the progress of Operation Barga in some of the areas :—

- (a) Recalcitration of the field functionaries to make night halts in the mouzas where Operation Barga is conducted, and
- (b) Not holding evening barga meetings.

3. It should be remembered that the purpose behind the programme of Operation Barga is recording the maximum number of bagadars through concerted efforts by the field functionaries and involvement of the representatives of the Panchayatiraj institutions. Meetings are required to be arranged in the evening so that the proposed beneficiaries may attend the meetings without any dislocation of their daily routine, that is to say, cultivation, etc. Again night halts by the functionaries associated with the job is expected to infuse in them a sense of involvement as an essential component of the combined sustained effort for recording of bargadars.

4. He is, therefore, requested to issue necessary instructions to the field functionaries concerned to make night halts in the areas where Operation Barga is conducted. Meetings should also invariably be arranged in the evening so as to secure maximum attendance by the would be beneficiaries. Applications from the bargadars who intend to record their names

or list of such bargadars should be accepted in the evening meetings. Such applications along with those received on the subsequent days of the operation should be quickly enquired into and recording in the appropriate cases made according to the usual procedure.

5. It is emphasised that the methodology envisaged in Board's Memo. No. 12304(27)-G.E., dated 5th July 1978, was worked out with a view to creating an impact in the minds of the bargadars who are suffering from a sense of hesitancy to record their names due to various reasons. Any dilution in the efforts would render the entire exercise of Operation Barga to routine recording of bargadars in the K-B stage. This will frustrate the very purpose of the programme of Operation Barga and has to be arrested.

6. He is, therefore, requested to ensure that there is no slackening of efforts at the field level in implementing the programme of Operation Barga.

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

Memo. No. 16166/1(119)-G.E.

Copy forwarded to the—

- (1) Commissioner,.....Division,
- (2) District Magistrate/Deputy Commissioner,
.....
- (3) Subdivisional Officer,.....
- (4) Subdivisional Land Reforms Officer,.....
- (5) Land and Land Reforms Department,
for information.

Calcutta, N. G. SENGUPTA,
The 10th November 1980. Assistant Secretary,
Board of Revenue, West Bengal.

Memo. No. 16166/2(15)-G.E.

Copy forwarded to—

- (1) Shabhadipaty,.....Zilla Parishad,.....
- (2) Executive Officer-cum-Block Development
Officer,.....

Calcutta, N. G. SENGUPTA,
The 10th November 1980. Assistant Secretary,
Board of Revenue, West Bengal.

GOVERNMENT OF WEST BENGAL

Office of the Board of Revenue, West Bengal
G.E. Branch

No. 11743(27)-G.E., dated Calcutta, the 4th August,
1980

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,.....

Subject : *Issue of certificates to bargadars.*

A reference is invited to notification No. 3290-L. Ref., dated 9.9.80 amending Schedule 'A' of the West Bengal Land Reforms Rules wherein it was provided inter alia, that in the case of a bargadar who is recorded as such, the Revenue Officer should, pending issue of a copy of the khatian, give a certificate to him.

2. A further reference is also invited to the notification No. 2224-L. Ref., dated 11.6.79, amending rule 21 of the West Bengal Land Reforms Act so as to provide that the Revenue Officer under section 50(e) of the W.B.L.R. Act should issue a certificate to the bargadar recorded under the said section.

3. It has come to the notice of the Board that the gap between the number of newly recorded bargadars and the number of certificates issued is large in some settlement operations as also in some Land Reforms Circles. In order to ensure that those who have been recorded as bargadars, but have not received either a parcha or a barga certificates be handed over either a certificate or a parcha forthwith, all Halka Officers/Centralised Camp Officers should make time bound programme to hand over barga certificate or parchas, as the case may be so as to complete the work by 31.8.80. Instead of bargadars being asked to come to the Halkas or Camps, to receive the certificate or the parchas, programmes should be made to distribute the documents in the concerned mouzas.

4. The Revenue Officers acting under section 50(e) should also prepare a time bound programme for distribution of certificates to the bargadars recorded under section 50(e) so as to complete the work by the end of August, 1980.

The progress made in the matter may please be reported to the Board by the first week of September, 1980.

N. G. SENGUPTA,
Assistant Secretary,
Board of Revenue, West Bengal.

Memo. No. 11743/1(92)-G.E.

Copy forwarded to :—

- (1) Land & Land Reforms Department.
- (2) The Commissioner,.....
- (3) The District Magistrate/The Deputy
Commissioner, Officer,.....
- (4) The Settlement Charge Officer,.....
- (5) The Sub-divisional Land Reforms Officer,.....
.....

for information.

N. G. SENGUPTA,
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.No. 16939-GE, dated Calcutta, the 29th November,
1980.To—
The Additional District Magistrate (LR),
Birbhum.Subject : Interpretation of section 16(1) of the
West Bengal Land Reforms Act.In supersession of the instructions issued under
Board's memo. No. 11686-G.E./222/77, dated 30th
September, 1977, the Board of Revenue has been advised
to say that the bargadar has the option to accept or
refuse plough, cattle, manure and seeds necessary for
cultivation, if supplied by the ladowner.S. SINGH,
Secretary
Board of Revenue, West Bengal.

Memo. No. 16939/1(814)-G.E.

Copy forwarded for information and necessary
action to :

- (1) The Commissioner,.....
Division.....
- (2) The Director of Land Records & Surveys,
West Bengal.
- (3) The Collector/Deputy Commissioner,.....
.....
- (4) The Addl. District Magistrate (LR),.....
.....
- (5) The Settlement Officer,.....
- (6) The Subdivisional Officer,.....
- (7) The Subdivisional Land Reforms Officer,.....
.....
- (8) The Junior Land Reforms Officer,.....
- (9) Block Development Officer-Cum Executive
Officer,.....
Panchayat Samity.
(For Unnayan Parikalpana-O-Bhumi Sanskar
Sthayee Samiti)

Dated : Calcutta,
The 29th November,
1980.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

Land Reforms 6/80

Memo. No. 8147-G.E. 152/79(Pt. I), dated Calcutta,
the 3rd June, 1980.To—
The Additional District Magistrate (LR),
Tamluk, Midnapore.

Subject : Recording of Thicka Tenants as Bargadars.

Ref : His memo. No. 5064, dated 25.6.79.

The undersigned is directed to say that the Thicka
Tenants in question may be presumed to be Bargadars
under section 21(B) of the W.B.L.R. Act and recorded
as such. The Raiyats of such land may fight out their
cases, if any, in the court of law.As to the point "who amongst these cultivators would
be entitled to be recorded as Bargadar". It has been
decided that the bargadar who cultivated the land for
the longest period since 1.1.70, shall be considered to
be rightful bargadar for the purpose of restoration
under section 19(B) in exclusion of other bargadars,
and as such, this bargadar will be recorded.A. K. CHAKRABORTI,
Special Officer & (ex-officio)
Secretary,
Board of Revenue, West Bengal.

Memo. No. 8147/1(44)-G.E.

Copy with copy of memo. No. 5064, dated 25.6.79,
from the Additional District Magistrate, Tamluk,
forwarded for information and guidance to :—

- (1) The Commissioner,.....Division.....
.....
- (2) The Director of Land Records & Surveys,
West Bengal.
- (3) The Collector/Deputy Commissioner,.....
- (4) The Additional District Magistrate (LR)/
The Additional Deputy Commissioner (LR),
.....
- (5) The Settlement Officer,.....

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

Calcutta,

The 3rd June, 1980.

GOVERNMENT OF WEST BENGAL

Office of the Additional District Magistrate,
Tamluk

Memo. No. 5064, dated 25th June 1979.

From :—

The Additional District Magistrate (LR), Tamluk.

To :—

The Land Reforms Commissioner,
Writers' Buildings, Calcutta-700 001.

Sir,

Kindly refer to your instruction on page 2 and 3, paragraph 4 of your tour-notes during your visit to Midnapur from 6th February 1979 to 8th February 1979 communicated by the S.O. & ex-officio Secretary, Board of Revenue, under his memo. No. 1919(6) G.E./152/79, dated 19th February 8th March 1979:

The thika-tenants have been instructed to be treated as bargadars and recorded as such since the law recognises only two modes of cultivation, either personal or barga.

But the fact remains that under the custom of such thika tenancies in this district different persons cultivate the same land in different years on payment of advance rent to the land owner. It will be difficult to determine who amongst these cultivators would be entitled to be recorded as a bargadar. As in cases of section 19(B) of W.B.L.R. Act, the question of taking a specified period for determining who cultivated the land on such advance payment for the longest period comes in. As such cultivation by different persons may have continued for many years, more than twenty years in some cases, it is difficult to establish and identify the person cultivating the land for the longest period under this system.

Secondly, the definition of bargadar as given in Section 2(2) of W.B.L.R. Act, does not accord with thika tenancies because advance payment of rent cannot be a substitute for share of produce or even money value of the same because it is paid to the land-owner in advance independently of the actual produce with the risk of entire or partial failure of crop being borne by the cultivator himself.

Since appeal cases come up for hearing and the above issues are agitated before me, kindly issue necessary instructions on the above.

To my mind the provisions of the existing law are deficient in this respect and it is necessary to suitably amend the law by suitably amending definition of bargadar or otherwise.

Yours faithfully,

Illegible,
Addl. District Magistrate (LR),
Tamluk.Shri D. Bandyopadhyay, I.A.S., Land Reforms
Commissioner and Secretary (ex-officio), Land
and Land Reforms Department, Writers'
Buildings, Calcutta.

D.O. No. 12050(15)-I.F. 7/80, the 11th August 1980.

I am enclosing a letter addressed by Minister-in-Charge, Land and Land Reforms Department to your Sabhadhipati, copies of which have also been endorsed to all the Panchayat Samity Sabhapaties. In this letter the M.I.C. has exhorted the Panchayat Officials to ensure fulfilment of the target, failure of which would mean a slur on both the administration and the elected Panchayat bodies. Often, it has been made to represent that bargadars/pattadars are not willing to take bank loans. It is totally unbelievable. There may be persons who might be dissuading bargadars/pattadars to go in for institutional finance as that would dry up the source of usury for them. This is what one should expect in the present agrarian situation. We have to counter this.

Involvement of Panchayat is often shown as an alibi for not putting in sufficient effort on the part of the administration. Panchayat and administration are expected to fulfill a complementary role for mobilising poor bargadars/patta holders for institutional finance. Hence weakness of one in some places should not be adduced as an excuse for inaction of the other.

Banks have been requested to withdraw their 30% embargo and they have also agreed to extend the time upto 31st August. Shri N. K. Sen Gupta's letter in this connection addressed to me has already been circulated (vide D.O. No. 11408-I.F., dated 29th July 1980.)

Please ensure fulfilment of the target.

Yours sincerely,
D. BANDOPADHYAY

Shri.....

District Magistrate/Deputy
Commissioner,

Memo. No. 12050/1(410)-I.F.

Copy with copy of the letter of M.I.C., Land and Land Reforms Department, forwarded for information and necessary action :—

- (1) Additional District Magistrate (Land Reforms)
/Additional Deputy Commissioner (Land Reforms)
.....
- (2) The Settlement Officer,.....
- (3) The Subdivisional Officer,.....
- (4) The Block Development Officer,.....

T. RAY,
Deputy Secretary,
Board of Revenue, West Bengal,Dated Calcutta,
The 11th August 1980.

শ্রী বিনয়কৃষ্ণ চৌধুরী

ভূমি ও ভ্রাম সংস্কার দপ্তর
পশ্চিমবঙ্গ সরকার
মহাকরণ, কলিকাতা-১

ডি, ও, নং ১২১২২(১৫) আই, এফ, তারিখ : ১২/৫/৮০

প্রিয় সভাপতি,

বর্তমান খারিফ মরশুমে বর্গাদার ও পাট্টাদারদের ব্যাঙ্ক থেকে কৃষিঋণ দেওয়ার কাজ কোনো কোনো জেলায় একে-বারেই এগোয়নি, অন্যান্য জেলাতেও অবস্থা বেশ হতাশাব্যঞ্জক। এই সংবাদ পেয়ে শঙ্কিত হয়ে আমি আপনাদের এই চিঠি লিখছি। শতকরা তিরিশ ভাগ বকেয়া ঋণ পরিশোধ না হলে অঞ্চল বিশেষে ব্যাঙ্ক ঋণ দেবে না বলে যে কথা উঠেছিলো, ব্যাঙ্কগুলিকে এখন সেই সিদ্ধান্ত থেকে বিরত রাখা গেছে, এদিকে ঋণ দানের তারিখও ৩১শে আগস্ট পর্যন্ত বন্ধিত হয়েছে। এর পরেও যদি আমরা যথেষ্ট সংখ্যক বর্গাদার ও পাট্টাদারকে ঋণ পাইয়ে না দিতে পারি সে হবে প্রশাসন ও পঞ্চায়তের যুগ্ম কলঙ্ক। আমার কাছে এরকম সংবাদও এসেছে যে যেমন ব্যাঙ্ক থেকে যথেষ্ট সংখ্যক ফর্ম কিছু জায়গায় আসেনি, তেমনই ফর্ম আসা সত্ত্বেও বহু জায়গায় পঞ্চায়তের থেকে পূর্ণ আবেদন পত্র ব্যাঙ্কে পৌছানো নেই। ভাবতে গেলে অর্থাৎ লাগে, এটা কি করে সম্ভব? দরিদ্র চাষীর ঋণের কাগজ আমাদের গাফিলতিতে পড়ে থাকবে, এটা কল্পনা করা কঠিন।

আমি আপনাদের ব্যক্তিগত ভাবে অনুরোধ করছি, আপনারা উদ্যোগী হন, এখনো সামান্য সময় অবশিষ্ট আছে, চেষ্টা করলে এখনো আমাদের লক্ষ্যমাত্রায় আমরা পৌঁছাতে পারবো।

ইতি—

বিনয়কৃষ্ণ চৌধুরী

সভাপতি

জেলা পরিষদ

নং ১২১২২(১৫) আই, এফ,

৭/৮০

এই চিঠির অনুলিপি সভাপতি—পঞ্চায়ত

সম্মতিক্রমে জাতার্থে পাঠানো হল।

তারিখ—১২/৫/৮০

বিনয়কৃষ্ণ চৌধুরী

Shri D. Bandyopadhyay, I.A.S.

7007(15)-I.F., 13th May, 1980.

I am enclosing a copy of the letter that I have written to the Convenor of the State Level Bankers' Committee today indicating the overall State target of kharif lending programme 1980. As large number of banks failed to keep the time schedule of the branch-wise targets we could not send you the programme as indicated in Annexure III of the minutes of the meeting

held on 16th April 1980. We have received targets only from the State Bank of India, United Bank of India and United Commercial Bank. I am indicating in a separate sheet district-wise break-up of the target including the possible number of renewal of the old cases.

May I request you to call a meeting of the District Level Co-ordination Committee immediately and ask the participating Banks to fix up locally the branch-wise targets within the overall frame. You are free to exceed the targets provided the Banks are willing to do so. Gramin Banks are generally more responsive to this type of programme. Wherever there is any shortfall kindly persuade them to fill it up.

Sorry for the failure to keep to the schedule.

Yours sincerely,
Sd/ D. BandyopadhyayTo
All Collectors

Memo. No. 7007/1(80)-I.F.

Copy to :—

- (1) The Commissioner,.....
- (2) The D.L.R. & S., West Bengal
- (3) The Settlement Officer,
- (4) The A.D.M.(LR)/A.D.C.(LR),.....
- (5) The Subdivisional Officer,.....

Illegible

Dated, Calcutta,
the 13th May 1980.Land Reforms Commissioner,
West Bengal.

District-wise break-up of the target including possible number of renewal of old cases

Name of the district	Double of last year	55% of last year's borrowal account
24-Parganas ..	16700	1375
Howrah ..	3390	139
Murshidabad ..	15000	5111
Nadia ..	15940	3758
Burdwan ..	23920	3996
Hooghly ..	14514	764
Birbhum ..	12700	3180
Bankura ..	7990	1916
Purulia ..	3250	1098
Midnapore ..	8366	1145
Darjeeling ..	2220	336
Cooch Behar ..	14274	3857
West Dinajpur ..	9540	2783
Malda ..	7550	2686
Jajpauri ..	4320	363
	159674	32507

